

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, MAY 5, 2008.

Mayor Benton called the meeting to order.

Father Bernie Sheffield, St. Julian of Norwich Old Catholic 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 April 21, 2008, and the Minutes of the Special Closed Meeting on April 29, 2008.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Regular Meeting on April 21, 2008, and the Minutes of the Special Closed Meeting on April 29, 2008.

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

City Clerk Steele said they have a special presentation from the Village Green Elementary School. (Children from the Village Green Elementary School sang two songs.)

Mayor Benton proclaimed May 2008 as FOSTER PARENT APPRECIATION MONTH.

Ms. Rossana Gonzalez said she thanks them very much for the proclamation on behalf of the Hibiscus Children's Center. They have been in this community for over 20 years helping to eradicate child abuse. It is an honor to do the job she does, which is recruiting the foster parents. They have over 480 children right now in all four counties who need homes and they have only 132 homes in the four-county area, so there is always a big need. She thanks them for recognizing that they do need more foster parents. She also wanted to take this opportunity to say that they will be receiving an invitation in the mail in the next week or so concerning their open house in St. Lucie. All their programs now are stationed in St. Lucie County. She is really excited about that. It is going to be a very small get together, but it will be very nice to have them all there.

Mayor Benton said he wanted to thank Ms. Gonzalez for what this organization does. The other day he had an opportunity to spend some time with her Director tasting a lot of food at the Fishing Tournament they put on to help run their program. He thanks her for what they do for this community and the Treasure Coast.

Ms. Gonzalez said thanks to the foster parents. They couldn't do it without them.

Mayor Benton proclaimed May 2008 as ST. LUCIE COUNTY FIREFIGHTER APPRECIATION MONTH.

Mr. Jeff Stabile said on behalf of the men and women of the St. Lucie County Fire District, he wants to very humbly but graciously accept this proclamation. A word of thanks to the Mayor and Commissioners Alexander, Becht, Sessions, and Coke. The St. Lucie County Fire District has been in existence for many years here in the County. In the 13 years he has been involved and has been a member of the District, they have collected monies for the MDA (Muscular Dystrophy Association) every year. As many of them know if they watch the Jerry Lewis Telethons over the years, the Muscular Dystrophy Association is their charity. It is the number one charity the firefighters and fire departments around the nation contribute to. Last year they broke their all time record by collecting \$65,000. They hope to top that record this year with the help of the good citizens of this City and this

County. They do this every year. They have the full support of their Fire Chief and the Fire Board, and can't thank them enough for everything they do for them.

Mayor Benton said he remembers last year, he will never forget it, where he watched a group of firefighters pull over, and he knows most of them. There was a driving rain and they got out in the rain with their boots and were standing at red lights collecting money. They could have waited until the rain was over; but no, they got right out there. They are a good group of people and he thank them for what they do.

Mr. Stabile said if they are scared of getting wet, they are in the wrong line of work.

Mayor Benton said it is a little bit cooler than some of the other jobs they have to do.

Mayor Benton presented a proclamation in honor of the 20TH ANNIVERSARY OF MAIN STREET FORT PIERCE, INC.

Mayor Benton said there is no organization that has done more for the redevelopment of this community in the last 20 years than Main Street. Probably all of them up here would not be smiling today if it weren't for the job Main Street has done putting this City back on track.

Ms. Anne Satterlee, Assistant to City Manager, said she wanted to take this opportunity to thank them all for the last 20 years. They look forward to working with them for the next 20 years in rebuilding their wonderful historic City. It has been a delightful time. She hopes to be around for another 20 years.

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

Letter from Wayne Anderson, Risk Management for Public Entities, thanking Public Works Safety Compliance Specialist Nancy Ingle for her time and assistance.

Letter from Thomas Bakkendahl, Chief Assistant State Attorney commending Fort Pierce Police Detective Zoila Simmons for her prompt response and superb performance on the witness stand.

The next item on the Agenda was **Comments from the Public**.

Mr. Alin Norcius said his address is 816 South 15th Street in Fort Pierce. He has a lien on his property for \$9,000 and something. He would like them to reduce it. He rents the property, but before he couldn't make the payment. Everything was done, but he did not have enough money to do it on time. But he got everything done now.

Ms. Lisa Nelson, 4875 Oleander Avenue, said she is representing 875 West Midway Road (Annexation Ordinance No. K-651). She just wanted to go on record to thank all of the Commissioners and the Planning Department for working with them. It means a lot to their family, but it means a lot to their citizens. She thinks it is a step forward in the right direction. She hopes in the future they would allow her to be a part of possibly an overlay district for White City. She takes a lot of pride that Fort Pierce is able to recognize special areas within their City that she thinks adds value to it and makes them unique. She thanks Mr. Schwerer for keeping everybody on target. She knows he probably gets beaten up a lot, but he really was able to help the whole group. Also to Mr. Recor, she just really appreciates the fact that he was willing to work with them. She hopes that other citizens will have the same privilege.

Mayor Benton said he thanks Ms. Nelson. The City would have to work with her because that business they have down there on Midway Road, it is probably the freshest produce.

They are a breath of fresh air in the world they live in today. She can come to his office and get applications and they will put her on a Board.

The next item on the Agenda was Public Hearing on Application for Site Plan Review submitted by Isaac Knight for construction of an 11,490 square foot addition to Immanuel Full Gospel Baptist Church at 1200 North 25th Street; said property zoned C-3, General Commercial Zone.

Ms. Diann Ploetz, Planning Specialist, said this Site Plan is for Immanuel Full Gospel Baptist Church to construct a 11,490 square foot addition with a sanctuary and fellowship hall at 1200 North 25th Street. The property is zoned C-3, General Commercial, with a future land use of CG, Commercial General. The surrounding properties are zoned C-3 or R-4, which is Medium Density Residential, and are occupied by residential uses. The proposed land use is consistent with the surrounding land uses. The proposed building will consist of a sanctuary, a fellowship hall, offices, and visiting pastor quarters. The existing 1,899 square foot sanctuary will be used as a storage room. Access to the development consists of two full access two-way driveways, one on South 25th Street and one on Avenue K. The proposed landscaping will consist of 21 Live Oaks, 15 Southern Magnolias, and 30 4-inch Laurel Oaks for mitigation. Also 36-inch high Viburnum hedges will be maintained along the north and west property lines. This rendering shows the elevations of the proposed building. The traffic study indicates that the impacts from traffic are de minimis. All affected Departments have reviewed the submittals and have approved the proposed site plan based on it meeting the requirements of the code. At the April 8, 2008, meeting the Planning Board did recommend approval of the Site Plan. Based on the Site Plan meeting the requirements of the City Code, Staff recommends the City Commission approve the Site Plan.

Mayor Benton declared a Public Hearing 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 Alexander, to approve the Site Plan submitted by Isaac Knight for construction of an 11,490 square foot addition to Immanuel Full Gospel Baptist Church at 1200 North 25th Street.

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

Ordinance No. L-10, entitled, "AN ORDINANCE AMENDING THE 2006-2007 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA BY INSERTING THEREIN A SCHEDULE CONSISTING OF FOUR (4) PAGES ATTACHED HERETO AND DESIGNATED AS THE **2006-2007 FINAL BUDGET AMENDMENT**. THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE GENERAL FUND, 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-10 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 Becht, seconded by Commissioner Alexander, that Ordinance No. L-10 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-10 on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-12 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 22-3 OF CHAPTER 22, ARTICLE I, DEFINITIONS - GENERALLY, TO INCLUDE THE DEFINITION OF A **FARMSTAND SALES ESTABLISHMENT**; AMENDING SECTION 22-23(b) OF CHAPTER 22, ARTICLE III, SEMI-RESTRICTED USES PERMITTED, BY ADDING SUBSECTION 22-23(b)(4) TO PERMIT FARMSTAND SALES ESTABLISHMENTS AS A SEMI-RESTRICTED USE IN THE E-1 ZONING DISTRICT; AMENDING SECTION 22-23 OF CHAPTER 22, ARTICLE III, SINGLE-FAMILY ESTATE DENSITY ZONE (E-1), BY ADDING SECTION 22-23(f), NONCONFORMING SITUATIONS; 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-12 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 Sessions, that Ordinance No. L-12 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-12 on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. K-651 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **875 W. MIDWAY ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2008; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: William & Charlotte Nelson)

Mayor Benton declared a Public Hearing on Ordinance No. K-651 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. K-651 be passed on second and final reading.

Mayor Benton said this is the one they have been working with the applicant to allow the zoning that they have in the County which they did not have in the City (Ordinance No. L-12).

Those voting in favor of the passage of Ordinance No. K-651 on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-20 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED **WEST OF SELVITZ ROAD, SOUTH OF GLADES CUT OFF ROAD, NORTH OF MIDWAY ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Florida Municipal Power Agency - Selvitz Road Power Plant)

Ordinance No. L-21 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **899 EAST WEATHERBEE ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Gloria Gualteros)

Ordinance No. L-22 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED **207 DIXIELAND DRIVE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Brandy Sanders)

Ordinance No. L-23 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED **935 SKYLARK DRIVE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Peggy Brown)

Ordinance No. L-24 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **924 BARREL ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE

FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Bandy Lightweight Ring Supply)

Ordinance No. L-25 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3500 OLEANDER AVENUE / 900 FARMERS MARKET ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Pioneer Metals, Inc.)

Ordinance No. L-26 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3415 SUNRISE BOULEVARD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: James DeVercelly)

Ordinance No. L-27 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3417 SUNRISE BOULEVARD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Carey Pitts)

Ordinance No. L-28 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **2197 AVIENDA AVENUE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: St. Lucie Habitat for Humanity)

Ordinance No. L-29 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED IN **MARION HEIGHTS SUBDIVISION**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Various Owners)

Ordinance No. L-30 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED IN THE **SOUTH 25TH STREET SUBDIVISION**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Various Owners)

Mr. Peter Buchwald, Assistant Director of Planning & Zoning, said the last slide summarizes all the growth associated with these annexations.

Commissioner Alexander asked if this is looking like a block area and then they went to 29th Street, why is he seeing so many vacant property? If it is all going to be a City, how can they omit...? He is looking at three or four in that little three block section there?

Commissioner Becht asked does have a map showing the before and after City limits. They do that sometimes, but they did not have it in the packet this time?
Mr. Buchwald said they don't have a map of before and after.

City Clerk Steele asked does he want her to answer that question?

Mr. Buchwald said yes.

City Clerk Steele said the reason they see those empty spaces they are not annexing is because they do not have agreements because they have not signed up for sewer service. These are all recent sewer service agreements, all done within the past year. And those four lots have not signed up and are still on septic.

Mayor Benton said that was where they partnered with the County and Fort Pierce Utilities Authority for health and safety issues.

Commissioner Alexander said just for the reason of health and safety, he thought once they come into the City limits they are required to do that.

Mayor Benton said he does not understand why they haven't hooked up yet or if they will be required to hook up.

Commissioner Alexander said they require others to hook up and then they don't require some. He noticed they skipped 28th Street and they have just on 29th Street, so the rest of these homes are not inclusive of what they are doing over there?

City Clerk Steele said the ones they see on 28th Street that are outlined in green are already in the City.

Mayor Benton said it is just those few that haven't... He thinks by State law they are required to hook up. If they have a sewer line out front, doesn't the State require them to hook up in a certain length of time?

City Attorney Schwerer said there is a State Statute out there. He hasn't briefed it lately, but he believes it still exists.

Mayor Benton said he imagines those will be in soon, because he thinks there is a State Statute.

City Attorney Schwerer said that is for sanitary sewer services, correct.

Mayor Benton said that is why they partnered with the County and the Fort Pierce Utilities Authority, because of that area being so low and flooding they were having sewer problems. He hopes those other folks are on board very soon.

Mayor Benton declared a Public Hearing on Ordinance Nos. L-20 through L-30 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 Becht, seconded by Commissioner Alexander, that Ordinance Nos. L-20 through L-30 be passed on first reading.

Those voting in favor of the passage of Ordinance Nos. L-20 through L-30 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Request by Jamie Gentile of Gentile Holloway, & O'Mahoney, for 12-month extension to the approved Site Plan for the **Shoppes at Five Mile Creek** on Okeechobee Road.

Motion was made by Commissioner Sessions, seconded by Commissioner Becht, to approve 12-month extension of approved Site Plan for Shoppes at Five Mile Creek on Okeechobee Road, with the condition that a 10-foot wide pedestrian easement along Five Mile Creek be dedicated and recorded within 60 days.

Commissioner Becht asked does Mr. Schwerer think he can get the easement done within 60 days? They said they would give the City an easement on that side of the creek and within 60 days they could get it recorded. Is that a realistic expectation?

City Attorney Schwerer said he has not seen the documentation on this. It depends on what the term and condition of the easement is. If this is a standard easement, it is possible they could get that done. But they are going to need title searches and some other information.

Commissioner Becht said this is the pedestrian easement that would mirror the one on the other side of Okeechobee Road where they put the car wash in. This is just on the other side of Okeechobee Road from there, although he thinks the 5-foot easement on the other side of Okeechobee Road is on what he would call the north side of Five Mile Creek and this will be on the south side of Five Mile Creek.

City Attorney Schwerer said if the terms and conditions of this easement are substantially identical to the one across the street, he doesn't see a reason why the documentation

couldn't be initiated and prepared and sent to his office by the developer for review. However, they do require title searches and other conditions as a result of signing off, because they have to get lender sign-off and other encumbrancer sign-offs on that. So if they could have all that documentation presented, he believes that is a realistic date. It is certainly being optimistic.

Commissioner Becht said the reason he is asking is that the only reason he would be in favor of the 12-month extension is if that can happen. Is the applicant here? He just heard Mr. Schwerer say he needs a title search. That doesn't take too long, does it?

Mr. Jamie Gentile said he is with Gentile, Holloway & O'Mahoney, 1907 Commerce Lane in Jupiter, Florida. They would be more than happy to provide that.

Commissioner Becht asked who is their lender?

Mr. Gentile said the owner is not here. He would have to check with him. His title attorney actually works in the same building, so they can probably initiate it tomorrow and get this rolling.

Commissioner Becht said what Mr. Schwerer said was he is going to need a subordination of his lender or lenders mortgages to the easement so they can get this done in 60 days. If he can't tell him they can get it done in 60 days, he will not be in support of the motion.

Mr. Gentile said he will make every effort to get it done in 60 days or sooner.

Commissioner Sessions said he has a question, not so much specifically for this piece of property, but for future purposes. He noticed in the memo it says the Florida Legislature as well as Martin County have created ordinances and legislation that automatically extend the time frames for Site Plans. First of all, is that something they might explore in light of the economic conditions of developers coming in? It is his understanding just from reading this memo that the tax base is automatically attached as soon as the Site Plan is approved for that particular piece of property. Is he correct in what he is saying?

City Attorney Schwerer said that is what the document says. This is a letter from Mr. Gentile (dated April 7, 2008) supporting the application for extension. It is conceivable that the Property Appraiser attaches value; because once Site Plans are filed and approved, it is not uncommon for developers then to market their property in the open market as a ready-to-build development and therefore that Site Plan brings value to the property.

Commissioner Sessions said so the tax increase will be attached as soon as the Site Plan is approved.

City Attorney Schwerer said that is conceivable. They would have to confirm with Mr. Furst's office (St. Lucie County Property Appraiser) that he in fact takes that position. He doesn't know what flexibility he has or how he values it or how he is aware that a Site Plan has been approved.

Commissioner Becht said he is not sure Mr. Furst does.

Mr. David Recor, Deputy City Manager, said he is going to confirm that they should probably touch base with Mr. Furst's office, because he doesn't believe that is the current practice. He also wanted to advise the Commissioners that staff has had discussions about extending the time frame for site plan approvals. And what it came down to is, they agreed to revisit the issue during re-write of the LDRs, which they now have a Duncan & Associates to have that done. So that is certainly something they are going to be discussing.

Commissioner Sessions said in light of the economic conditions of the industry right now, it would certainly be helpful to potential developers if something like this were to be put in place. And if in fact his assumption is correct and the automatic attachment with the tax base increase coming on as soon as the Site Plan approved, it would be a win/win for the City as well. He doesn't know if they want to extend it to three years automatically. But for consideration, he doesn't know the consensus.

Mr. Recor said in one of their regular phone calls to the Property Appraiser's Office in which they are trying to get a number for their anticipated taxable value, he will ask the Property Appraiser his current methodology for when properties come on line.

Commissioner Coke said she believes the way property value changes now is on the first of the year if there has been a C.O. listed for the property, that is when the added value goes in, when the C.O. is issued.

Mayor Benton said that is the way it is done now. But he guesses the Legislature is looking to change that.

Commissioner Coke said she thinks they would have to specifically request that it be changed.

Mayor Benton said when they get the information back from Mr. Furst's Office, if it is something they have to change in the City Codes, so be it.

Commissioner Coke said she thinks it would be something Mr. Furst would have to change in his methodology, rather than something the City would need to change in City Codes.

Mayor Benton said if that is something that Legislature has voted on, that becomes law automatically then.

Commissioner Sessions said according to this letter.

Mayor Benton said he saw something about it in some report from Tallahassee the other day.

Commissioner Becht said they can find that out from Mr. Furst. He would be surprised if Mr. Furst bases it on permits at this juncture. In his conversation with him in regard to Harbour Isle was that he did not. So at a different time his conversation with Mr. Furst in regard to Harbour Isle, he did not value Harbour Isle at 864 units times \$200,000. The automatic three-year extension, if they want Staff to report back to them, they should schedule it for an agenda, because it is a much more complicated subject than the letter lets them believe. Specific to Fort Pierce, they have Site Plans they have approved and extended before tonight that did not fall under, for instance, the South Beach Overlay or did not fall under the Design Review Guidelines and will not fall under the modifications to updated LDR's (Land Development Regulations). So there is a reason in several of these situations where they would not want to extend a Site Plan that doesn't have to go through the updated LDR's or doesn't have to go through the Design Review Guidelines, because they get better projects if they shove them back through that process. The argument that with the fall-off in the economy they should be extending the Site Plans, he can counter that tonight with the fact they have an oversupply of units that are out there and now they have an oversupply of units that aren't being built because of Site Plans. Maybe the fastest way to correct the situation is to eliminate the oversupply of units that are in the pipeline and everybody then has to focus on the existing concrete supply that is out there in the real world, and not think if this thing is going to get built they will wait and buy later. So there is a counter-argument to be made to it. It is a complex issue that maybe they want to talk about. But his knee-jerk reaction is, he likes the way they are doing it now. They are a small City, they don't have that many come through. And in this particular instance they are going to pick up a 10-foot easement because the applicants wants the extension. And they

wouldn't otherwise get the easement if they had granted a three-year blanket extension to everybody. So there are several reasons he thinks to do it the way they are doing and there may only be one or two to give a blanket three year.

Commissioner Coke said if they could just get clarification that the motion is to approve a 12-month extension conditioned upon the 10-foot wide pedestrian easement being recorded within 60 days.

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 Resolution No. 08-19, Appointing a member to the Historic Preservation Board.

City Clerk Steele said they have received five applications which they have had two weeks to review. She needs a Commissioner to suggest a name. If they get a second, she will read the resolution with that name in it.

Commissioner Sessions asked is there any particular reason why Staff is making a recommendation as it applies to this particular Board, unlike any of the other Boards? Is that required by an ordinance or something of that nature?

City Manager Beach said the Historic Preservation ordinance actually has a clause in it that says Staff will make a recommendation to the Board as it relates to the members.

Commissioner Sessions asked is there a criteria they look at in making that recommendation?

City Manager Beach said he thinks it is defined within the ordinance. They are looking for architectural or engineering background or things of that nature. Kia Powers handles that for them. Can she give them just a little more clarity on that?

Ms. Kia Powers, Historic Preservation Officer, said as directed by Chapter 23 of the City Ordinance, recommendations are made to the City Commission based on an applicant's interest, desire, and background in disciplines with regard to historic preservation and related fields.

Commissioner Sessions said one of the reasons he asked is because he knows they have been somewhat at odds with this particular Board here recently on some issues. One of the most important ways of making sure the City's best interest is taken at heart is that they have to some degree some impact on who these Board members are. So he was just concerned about the criteria, why staff was recommending this particular individual. He recognizes all of these individuals and certainly all of them are good, so good that he is not going to be the one to make the motion, he will leave that up to the others.

City Manager Beach said this is a Commission appointment. What they have in front of them is a recommendation. But the Commissioners are the ones who make the decision about who the Board member is.

Commissioner Alexander asked who is the Chair on that Board?

Mayor Benton said Mr. Foster, who has stepped down, was the Chair. He is not sure who the Chair is now.

Commissioner Coke said she would suggest they take Staff's recommendation and appoint Elise Rollins to this Board.

Commissioner Sessions said okay.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-19

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **ELISE ANN ROLLINS** TO THE **HISTORIC PRESERVATION BOARD**; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 08-19 be adopted.

Commissioner Alexander asked since they are having such a dilemma with certain individuals, how do they go about removing individuals off Boards?

City Manager Beach asked is Commissioner Alexander referring to specific members of the Historic Preservation Board?

Commissioner Alexander said yes.

Ms. Powers said Section 23-24(b) says any member may be removed for cause by a majority vote of the City Commission. Appointments for replacement of any member due to death, resignation, or removal shall be made by the City Commission for an unexpired term. So the way this reads, any member may be removed...

Commissioner Coke asked can she define for cause?

Ms. Powers said there is no specific definition for cause with regards to the definitions in Chapter 23.

Those voting in favor of the adoption of Resolution No. 08-19 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Mayor Benton said he believes if somebody wanted to remove a person from any City Board, they could put it on the Commission agenda for discussion. Is that right?

City Attorney Schwerer said yes. That would depend on the board and the removal process, but that is basically correct.

Mayor Benton said to find out if there is enough interest from other Commissioners, it would be something they would have to put on the Agenda for discussion, unless there was another reason, a legal reason.

Commissioner Coke asked can Mr. Schwerer get them a definition of for cause?

Mayor Benton said Mr. Schwerer can provide that in writing.

City Attorney Schwerer said he can certainly circulate that among the Commission. It is going to be a broad definition though.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-20

"A RESOLUTION AUTHORIZING THE CITY OF FORT PIERCE, FLORIDA, TO ENTER INTO AN AGREEMENT WITH THE **FLORIDA DEPARTMENT OF TRANSPORTATION** FOR **AMENDMENT NO. ONE** OF THE **JOINT PARTICIPATION AGREEMENT** FOR THE

DESIGN AND CONSTRUCTION OF STATE ROAD A1A FROM U.S. 1 TO BLUE HERON BOULEVARD; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Sessions, seconded by Commissioner Coke, that Resolution No. 08-20 be adopted.

Those voting in favor of the adoption of Resolution No. 08-20 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-21

"AN AMENDMENT TO RESOLUTION NO. 06-42 OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING MEMBERSHIP REQUIREMENTS ON THE **KEEP FORT PIERCE BEAUTIFUL ADVISORY BOARD.**"

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 08-21 be adopted.

Commissioner Sessions asked this Board, when are they going to meet? When does the process start in terms of picking the members of this particular Board? This is a new Board, is he correct?

City Manager Beach said it is an existing Board, but he thinks they are revamping it.

Mr. Dorina Jenkins, Assistant Director of Community Services, said the Keep Fort Pierce Beautiful Board is already established. They are just revising one of the requirements for a member, adding a member from the Police Department and removing a City resident.

Commissioner Sessions asked have they been meeting on a regular basis?

Ms. Jenkins said they meet monthly. They are having their first clean-up May 17th.

Those voting in favor of the adoption of Resolution No. 08-21 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Manager Beach said if he can ask for their indulgence for one moment. They all know **Peter Buchwald**. Mr. Buchwald has taken a job with the TPO (Transportation Planning Organization). This is his last Commission meeting. He wanted to publicly thank him for the work he has done for Fort Pierce in the time he has been here and wishes him tremendous luck with the TPO.

Mr. Peter Buchwald, Assistant Director of Planning & Zoning, said he wants to thank each and every one of them. He has really enjoyed his experiences here, it is something he will never forget. But it is a tremendous opportunity. He will continue to serve their constituents now on a regional basis. Once where he had five elected officials to report to, now he will have twelve. He is not going anywhere, but just to continue to serve the Commissioner's constituents on an important organization on a regional basis. Again, he thanks them. The memories will never be forgotten.

Mayor Benton said it has been a pleasure working with him. When Mr. Buchwald first came on board, that is when they were just getting over hurricanes and they were talking about raising the bar, and he really helped get them there. Hopefully they will continue down that same road. He thanks him also for his unique sense of humor. They look forward to

dealing with him at the TPO. Maybe he can get that funding they need for A1A. The Commission has a secret weapon now, the man in charge.

Mr. Buchwald said he will do everything he can within his power. He will actually be in these very same chambers on Wednesday, so he won't go very far. He looks forward to serving them, but on a regional basis.

City Manager Beach said thanks.

Commissioner Alexander said good luck.

Commissioner Becht said he does want to thank him. It has been tough for both of them. Mr. Buchwald has been great here. He appreciates everything he has done. Go Bears.

The next item on the Agenda was Commissioner Alexander discussion regarding funding for Summer Camp to be sponsored by **Youth and Community Empowerment Services, Inc.**

Commissioner Alexander said he brings this before them tonight because he will always be thinking his challenge is their youth in this community and don't allow them to even take a moment. They used to go to school nine months a year. Now it is necessary to keep them under hands 12 months a year. So he is presenting to them tonight some initiative. He knows there may be others coming behind them, but he doesn't wait. They have less than 20 days before school is out for this year. So he does have a representative from the Youth and Community Empowerment Services. They call it YES, Inc. He is willing to present them to the Commission tonight. He knows they are going to do something great for their children.

Mayor Benton said at their last Fort Pierce Redevelopment Agency meeting they talked about using the Weed & Seed money that was returned for this type of operation during the summer, so he thinks that would be the appropriate funding mechanism.

Ms. Olive Wedderburn said she is CEO of Youth and Community Empowerment Services, Inc. Norciss Plummer is Vice President. Marvin Grimsley is a Board member and so is Nathaniel Wells. They created YES, Inc. as a seeding component. They started working on this about two or three years ago when all of them were members of Weed & Seed, in trying to add to the seeding component of Weed & Seed. Their program this year for summer is a little bit different than most of the summer programs they have seen before. What they wanted to do is take the kids academic experiences and link it to business experiences. They currently have ten persons that are leaders within the community, business owners who are going to work with them to give the experience to the kids, so they actually get some job experiences throughout the program. They have contacted Junior Achievement. Junior Achievement has three different programs - one for the elementary school program, one for middle school, and one for high school. Their schedule is to begin June 9th and run through she thinks August 2nd. What those programs are going to do is hands-on activities, integrate the academic skills, and they teach the kids how does it relate to job skills. So they are going to have them divided into sections - elementary, middle, and high school. Their outcome for the summer program is to actually have the kids have their own businesses and teach them all the skills in saving, etiquette. So there is quite a few things they wanted to do through this summer program.

Commissioner Sessions asked this has been in existence two years?

Ms. Wedderburn said no. They have been working on this for two and a half years, to develop it.

Commissioner Sessions said so this will be the first year.

Ms. Wedderburn said yes. They actually got incorporated in February. But they have been working on the project for two and a half years to get it developed by getting their people in place.

Commissioner Sessions said he sees they are targeting at risk children. What is their screening process? They don't want this to be a day care center. They are targeting individuals who are at risk based on what he sees they have to offer, which is a good program. But he is just concerned about what the actual screening process is. How do they target those children they actually are looking for?

Ms. Wedderburn said as part of their selection process, the kids have an application they have to complete. And they actually have teachers who are on board with them who are going to be helping them do the summer program and they are going to be making recommendations. Where they are located currently, they are talking to kids in that neighborhood to begin with.

Commissioner Sessions asked so any individual can submit an application? And they make a decision, based on what actually? Are there any requirements? Do they have to have a history of juvenile delinquency or anything of that nature?

Ms. Wedderburn said that is a consideration. But what they know is a lot of kids during the summer lose a lot of the training they had during the school years/ And they are trying to keep them off the streets and involved in something that is going to be a positive thing. So there would be a screening process by their academic component instructor.

Commissioner Sessions said they are only asking for \$35,000, but she has a number of expenditures that are above and beyond \$35,000. Do they anticipate getting funding from somewhere else?

Ms. Wedderburn said they are currently in the process of writing grants for that and a lot of the services are being donated.

Commissioner Coke asked how many children do they expect to serve this summer?

Ms. Wedderburn said 75 to 100.

Commissioner Coke asked how many on-staff teachers or staff members will they have?

Ms. Wedderburn said they are going to have three part-time paraprofessionals, one part-time counselor, one administrator, and ten volunteers, as well as the professionals who are going to come in addition to that.

Commissioner Coke said so they are going to have five part-time people, one administrator, and the professionals. The teachers who are coming in, are they coming in as volunteers or paid people?

Ms. Wedderburn said they are having one certified teacher as full time. They are going to have three part-time paraprofessionals, one part time counselor, one administrator, and ten volunteers.

Commissioner Coke said she asked the question because she is all for everybody making a living wage, but they are talking one full-time person and four part time people, and salaries work out to about \$6,000 a week. They have \$45,000 for an eight-week project.

Ms. Wedderburn said if they look on the right hand side of what she submitted where it says Funder Specific Budget, they are asking for \$35,000. And underneath, it breaks it down.

Commissioner Coke asked under their Proposed Budget Program, is that what they are intending to actually spend during the course? Therein lies her question. She thinks it is wonderful. And the FPRA Board did put aside money for this type of program that they took back from the Weed & Seed Program, they dedicated that fund for just this kind of thing. Her concern is, if they are looking at four part-time people and one full-time person, she thinks \$6,000 a week budgeted in salary is a lot of money to be budgeted in salary for that number of man hours.

Ms. Wedderburn said most of those hours are volunteer hours. They are adding a dollar amount to the time they are going to put in. All they are paying is \$17,500 for the entire staff for the summer.

Commissioner Coke said so their salary figure then actually isn't \$45,000, their salary figure is \$17,500, and Ms. Wedderburn is saying they have an in-kind contribution. So at the end of the eight weeks when they turn back in what they spent, their total salary figure is going to be \$17,500?

Ms. Wedderburn said yes.

Commissioner Becht said they keep talking about the Weed & Seed dollars. When do they think they are going to have those?

Mayor Benton said they have those funds.

Commissioner Becht asked are they a 501(c)(3) organization?

Ms. Wedderburn said they have applied for it. They just have not gotten any of the paperwork back from the IRS.

Commissioner Becht asked how long ago did they apply?

Ms. Wedderburn said four weeks ago. It takes four to six weeks, is what she was told.

Commissioner Becht said they had a similar problem before, but they found a solution for that where somebody else didn't have their 501(c)(3) status. There is some problem with giving them money directly if they are not a 501(c)(3), he thinks. He doesn't want to create one if there isn't. Is there a problem?

City Attorney Schwerer said yes.

Commissioner Becht said so they are going to have to solve that problem if the will of the Commission is to grant them some money. They have to figure out how they get the money to a 501(c)(3) that would take responsibility for funding their program.

Ms. Wedderburn said she has no problem with that. As soon as they get the paperwork, they will present it. They are just waiting to get it back from the IRS.

Mayor Benton said he has had the ability to work with the four of them for many years. If the public doesn't know this, these four people standing here have literally spent their life for the last many years making Fort Pierce a better place for their kids - Norciss Plummer and Olive Weddenburn and Nate Wells and Reverend Marvin Grimsley - when it came to Weed & Seed and Toys for Tots, all of them. They just don't quit. What they have done for this community, everyone should know they have literally spent thousands and thousands of hours and most of their lives. He has seen it, especially during the holidays. And he appreciates everything they have done and everyone up here does too. These are the people who get things done.

Commissioner Alexander said he will make a recommendation that they go forward with it.

Commissioner Sessions asked are they requesting FPRA funds?

Commissioner Alexander said they are going to forward this to the FPRA.

Mayor Benton said yes, he thinks that would be the route.

Chief of Police Sean Baldwin said he thanks the Mayor for recognizing the hard work these four have done. He doesn't know how proper it is that he endorse this specific effort. But he worked with all four of these people personally through the Weed & Seed effort. Their effort was just absolutely incredible and the reason why it lasted as long as it did. This is exactly what they envisioned on the Weed & Seed 501(c)(3) Board as coming out of their movement away from Weed & Seed into something else. This is exactly what they were hoping they would transition into, a community-based effort to help these kids and carry on the seeding activity. He thanks them for bringing this forward. He talked with Ms. Wedderburn a couple of years ago about this. This is exactly what they were hoping for and it is exactly what they need in this community if they are going to keep these kids out of trouble this summer. Lincoln Park Main Street did a summer camp program last year. And he is telling them that contributed to the reductions in crime over the summer. He feels fairly confident that if they will allow these four to move forward, they will get the same results.

Mayor Benton said he would agree. They all know that last year during the summer they did not have a gang related problem or shooting. And it is because of the efforts of these folks here and everyone else stepping up to the plate. But these are leaders who did it.

Commissioner Coke asked will the Chief's program that the FPRA is financing be in place and up and running this summer?

Chief Baldwin said yes, it absolutely will. They will provide every bit of support they can to them.

Commissioner Coke said she would like to make a motion to send a recommendation to the FPRA that they approve \$35,000 funding for this agency.

City Attorney Schwerer said a matter of technicality. Certainly this Commission can do what it needs to do with strongly recommending that this be presented to the FPRA Board, but that is a separate Board and a separate funding. He suggests they simply request they meet with Mr. Ward and file the necessary paperwork and get it before the FPRA Board on their next available agenda so they can have a full hearing on the merits on the award of the grant and not pre-grant the monies until that occurs.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to request that YES, Inc. meet with Jon Ward, FPRA Director, to file the necessary paperwork so he can get their funding request before the FPRA Board on their next available agenda.

Commissioner Alexander said he went through it in depth with these individuals on this and that is why he brought it to the Commission. Whatever direction they need to go, they have ample time to do what is necessary.

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 Commissioner Alexander discussion regarding the **Betts Building** located at 1217 Avenue D.

Commissioner Alexander said he didn't see any follow up information on this. He thought they had some persons of interest from the community; and he sees they don't, he doesn't see anyone here. He just didn't want to take that building down and have the public thinking they can't go any direction anywhere. Does Mr. Ward have any information?

Mr. Jon Ward, Director of Fort Pierce Redevelopment Agency, said he is not here representing the St. Lucie Historical Society, but he did have a conversation on Friday with their President, Mr. Culverhouse, who asked him to convey to this Commission that he would not be able to be here tonight because they have their Board meeting this evening and he has a conflict, so he couldn't come and represent himself. Mr. Culverhouse wanted him to tell the Commission that the Historical Society is in verbal negotiations with a third party to potentially buy that property. He told Mr. Culverhouse this Commission would not accept a conversation or a rumor or anything like that, that they needed to see something in writing. And to this date, he does not have anything in writing. His only comment would be that Mr. Culverhouse told him he would not be able to be here.

Mayor Benton said he had a lengthy chat with the City Attorney today over several items and this was one of them. He thinks before the next FPRA Board meeting, if this situation isn't resolved, all of them need to sit down and take a few minutes with the City Attorney. The City Attorney has some things he would like to talk to them one-on-one about on this property. Right?

City Attorney Schwerer said yes, if possible.

Mayor Benton said he thinks they all have to make time. It is very important.

The next item on the Agenda was Report from Chief of Police concerning expanded public access hours at the Willie B. Ellis Police Substation on Avenue D.

Chief Sean Baldwin said as they may recall, a few months ago they had a discussion about the possibility of expanding the hours at the Ellis Substation. That discussion was in response to conversations he had with Commissioner Sessions and others regarding the community's desire to see that happen. He was asked to explore the idea of that further, maybe provide some options and potential for pilot programs and so forth, and bring that back to the Commission. He has given the Commissioners a report or sort of a policy analysis on this subject. He hopes the information the Commission needed to consider this item is in that report. He has a presentation prepared that he can go through and he is here to answer any questions they may have.

Commissioner Becht said he is ready to make a motion based on the report and what they talked about the last time. The pilot programs, of the three options, he was thinking that they might not go a 24 hours a day, but either the 16 hours a day or the extended weekend hours - and he actually prefers the extended weekend hours - to see how well-received it is in the community, to see if there is any noticeable impact on crime in the area, and to see how the bugs are worked out by the Police Department. At the risk of not having a full discussion on it, since they have a pretty lengthy report here.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to adopt pilot program Option #3, extending the hours of the Ellis Substation to add operating hours between 8:00 a.m. and 4:00 p.m. on Saturday and Sunday, along with Friday and Saturday nights until 12:00 midnight.

Commissioner Becht asked is that for 16 weeks?

Chief Baldwin said his recommendation was 16 weeks and he thinks that is a fair amount of time. It is going to take some time for the community to adjust to this. It will take some time for their officers who are working on the street to adjust to this. He knows that one of the concerns that Commissioner Sessions had and perhaps others is if they were going to

do a pilot program that they give it a valiant effort and actually do it in a manner that would fairly assess rather than pre-determine whether or not it was valuable. He thinks it is going to take 16 weeks to make that assessment. The community is going to need some time to adjust to the fact that their substation has expanded hours. He thinks 16 weeks is fair.

Commissioner Coke asked when they talk about extended weekend hours, what hours is the substation open now on Saturdays and Sundays?

Commissioner Becht said it is not open on Saturdays and Sundays.

Commissioner Coke asked so is the Ellis Substation closed all day Saturday and Sunday now? Because she has gone to some events and meetings there on Saturdays.

Chief Baldwin said the Ellis Substation is primarily operating Monday through Friday 8:00 a.m. to 4:00 p.m. It is actually used by half of their Patrol Division 24 hours a day and 7 days a week. They do have events there, they will have a community meeting or something like that, and they will make sure somebody is there for that. So there may have been times they have seen it in operation on a Saturday or a Sunday or even in the evening. They have had evening meetings. He knows that Lincoln Park Main Street used it before they had their office.

Commissioner Coke asked the new Community Policing Program he is putting in place, is that not going to cover some of these extended hours?

Chief Baldwin said no, it will not cover any of it. That is what he wanted to be clear about. In order for them to say that the substation is open, there needs to be somebody sitting at that desk. There are no arrangements in either the Community Policing Program or their current staffing to actually have somebody sitting at that desk beyond Monday through Friday, 8:00 to 4:00 o'clock. So Option #3, which he is assuming they are considering as the motion on the floor, it requires that they add daytime hours for Saturday and Sunday and then evening hours Friday and Saturday.

Commissioner Coke asked can Chief Baldwin give them any kind of feedback on what kind of interaction they have with the public there 8:00 to 4:00, Monday through Friday. The reason she asked the question is because it seems to her that 8:00 to 4:00 on Monday through Friday is not necessarily the high crime need a policeman time frame. She really wants to at least try the weekend. But she is wondering if they couldn't rearrange the hours they have Monday through Friday to make them more in a time frame when the public would need interaction with the Police Department like 4:00 p.m. to 12:00 midnight instead of 8:00 a.m. to 4:00 p.m. Did they consider that possibility?

Chief Baldwin said it is difficult for him to make that assessment because he doesn't know what the demand is going to be from that 4:00 p.m. to 12:00 a.m.

Commissioner Coke asked did they do any study on what is the demand from 8:00 a.m. to 4:00 p.m. Monday through Friday?

Chief Baldwin said that Community Service Aide who is stationed there is carrying a full workload during those times. Some of that is administrative things. But he can't tell them how many reports are written or how many people come into the lobby.

Commissioner Coke said she understands that the Community Service Aide who is there is working full time, she is not questioning their productivity level. She is sure they are helping with paperwork, filing reports, and those other things. Her question is, how many members from the community actually walk in Monday through Friday from 8:00 a.m. to 4:00 p.m. and say they need help with this situation and they need to talk to somebody?

Chief Baldwin said the best he can do is say that it is sporadic at this point.

Commissioner Sessions said it might be something he thinks they need to explore. If the demand is certainly in the latter hours, then they want to make sure they have the Police Department's presence in that area. As they know, that is where the core of the cancer is in terms of a lot of the criminal activity. And to use that police substation as a crime deterrent he thinks is very important, as opposed to right now it is mostly used for a parking lot and a building for administration. So if they are going to use this as a pilot program, he hopes they are not setting it up to fail. It is very important and essential that they make the public aware that the station is available. Also, he would hope that they could make the 911 dispatchers aware so they could decipher calls now so it wouldn't tie up the officers hands on things that take place at the substation in terms of reports as opposed to an officer being tied up going out to make a call. Make sure that 911 is aware of that and they make those decisions and direct people to the substation as opposed to tying up officers.

Chief Baldwin said they will absolutely make sure that the opportunity is advertised.

Commissioner Alexander asked whatever happened to their bike and walking patrol?

Chief Baldwin said he doesn't know if he can give him the exact number of hours they have been out. The bike patrol is still in existence. A lot of that was funded by the Weed and Seed program. That funding has gone away. Their intention is to fully re-implement that as part of the Community Policing initiative. It is already paid for, so there is no additional funding needed for that.

Commissioner Alexander said he thought the visibility. And he is okay with extended hours on the substation. He knows they have a secured parking lot, but he would rather see those cars out on the street than to be in that parking area. He sees some six or eight of them in there parking at one time. He doesn't think there ever should be six or eight of them parked there at one time.

Chief Baldwin said they do have shift meetings and they have roll call at the beginning of each shift where they meet. They may see up to 10 or 12 cars there at one time. Then those officers are sent out on the street. There are others who come in and finish up their end of shift activities. In other words, it should not be the norm they are seeing six patrols sitting in that parking lot. He agrees with Commissioner Alexander, he wants the officers out on the street. One of the issues with this study was that his preference is to put this staffing out on the street. He understands the public's concern and the public's need to maintain that substation. He cannot argue with that, that is a very real concern from the public. He is absolutely willing to give this the best opportunity to succeed.

Commissioner Coke said she seconded the motion for Option #3. She thinks in her heart she would be way more inclined to go with Option #2. But for her to do that, she would need a definite commitment that they are going to keep track of how many people come in, the time frames they come in, what kind of reports are filed. Because she thinks if they see that yes, it is making a difference, then they need to find a way to make it work. But she thinks from 8:00 a.m. to 4:00 p.m. and then no one comes in from 4:00 p.m. to midnight, then obviously that would be the part of the pilot program they would discontinue. She thinks that if they are going to move forward with this pilot program, they need to have a tape measure to know exactly the effect it is having. Do they have a system set up so that if they say tonight they are going with Option #3 or Option #2, that somebody over there is going to be responsible for filling out a little chart that Monday nobody came in from 8:00 a.m. to 5:00 p.m. and Tuesday night at 7:30 p.m. somebody came in. Are they going to have quantitative results?

Chief Baldwin said they absolutely will. They will track every bit of activity that goes on during the entire period.

Commissioner Coke said in that case she would like to withdraw her second.

(COMMISSIONER COKE WITHDREW HER SECOND TO THE MOTION. MAYOR BENTON RELINQUISHED THE GAVEL TO MAYOR PRO TEM COKE AND SECONDED THE MOTION.)

Mayor Pro Tem Coke said they have a motion to support Option #3 which is extended weekend hours.

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

THE MOTION FAILED TO PASS.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to go with the Pilot Program Option #2 extending the hours of the Ellis Substation so that it is open 16 hour days (8:00 a.m. through 12:00 midnight) seven days a week.

Commissioner Coke said her motion is conditioned upon the Chief making a personal commitment to give them some very clear reports at the end of the 16 week time frame.

Commissioner Becht said he is going to support the motion. He wants to give this program every opportunity to succeed. He wants the Chief to know that he is wanting a good faith effort here to see what the real results are. When they have real results at the end of 16 weeks, they can make more permanent decisions.

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 Finance Director request City Commission appropriate \$1,000,000 to fund Health Insurance Claims Account.

Mr. George Bergalis, Director of Finance, said he was hoping he wouldn't have to come back with a request such as this again. However, the medical needs of their employees were such that they received notice last week that the claims cost for the last two months approximated almost \$1.4 million, which placed their health claims funding in a severe financial stress. In other words, unless they get this money approved and appropriated and transferred, they are not going to be able to pay any claims.

Mayor Benton said that is why they are changing their insurance from self-insured.

Mr. Bergalis said that is why he thinks a fully insured plan will be beneficial, yes.

Commissioner Alexander asked will this carry them to October 1st?

Mayor Benton said they are looking at changing their plan June 1st.

Mr. Bergalis said June 1st. Enrollment is this week. They all should have received packets already on enrollment.

Motion was made by Commissioner Alexander, seconded by Commissioner Sessions, to approve appropriating \$1 million to fund the Health Claims account.

Commissioner Coke asked this is through what date, this \$1 million deficit?

Mr. Bergalis said it is going to cover the deficit they have incurred and also provide a little bit of money to pay for any claims that are coming in now until they get this month's payment in.

Commissioner Coke asked does he think this will cover them through the changeover?

Mr. Bergalis said hopefully this is the last time he will have to do this for one reason or another.

Commissioner Becht said he is trying to wrap his non-accounting brain around what they are doing here. If he understands what they are doing correctly, they are taking \$813,000 out of the General Fund to pay the additional monies they need for the insurance. Is that correct?

Mr. Bergalis said what they have done is attempt to cover the deficit they have by fairly sharing the pain amongst not only the General Fund, but the other funds and entities within the City government. Because obviously the claims aren't just employees of the General Fund only.

Commissioner Becht said he is up to him up to that point. But what is not identified is, where within the General Fund they are taking the \$813,000?

Mr. Bergalis said the appropriated fund balance.

Commissioner Becht asked is it coming out of the reserve?

Mr. Bergalis said yes.

Commissioner Becht said he is okay with that. But the Sunrise Theatre, they are taking \$15,000 out of that and that is fair, but he is not sure they are going to have the money to pay the \$15,000. So are they then going to go to the FPRA and get the \$15,000 shortfall in order to meet their distribution amount?

Mr. Bergalis said before they remove these funds from these different funds or agencies, they will discuss with the directors as to where they would suggest these monies will come from and not arbitrarily take the money from them.

Commissioner Alexander said he thought he was assured by the Director that they would not be going over budget at the Sunrise Theatre when it came up for him to be a raise given. Is he the only Commissioner who remembers hearing that?

City Manager Beach said what they currently anticipate is to stay within the amount that was allocated to subsidize the Sunrise Theatre. That is what they anticipate. They never know what the outcome is until the end of the year.

Commissioner Alexander said but he is looking at it was budgeted. Can Mr. Bergalis explain that for him? The budgeted amount from Sunrise Theatre was \$56,000 and they are asking for just \$15,000?

Mr. Bergalis said what they are showing there is the amount of funds that are in each of these entities or proprietary funds that are already in their budget for medical claims expenses. They are using that as a means of fairly appropriating the \$1 million.

Commissioner Alexander asked so it wouldn't be no damage to them if it has already been budgeted, right?

Mr. Bergalis said he would hope not. But again, they will talk with each of the Directors as to where they would like the money to come from.

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**.

City Clerk Steele said Consent Agenda Item 32k, Imposing a lien on 510 Orange Avenue, there was a late invoice that came in. So could they please change that amount to \$28,585?

Mayor Benton asked does any Commissioner wish to remove an item?

Commissioner Coke said she would like Item 32f (Emergency Drainage Replacement Projects) removed for discussion.

City Manager Beach said Staff also has a couple to pull - Item 32m (lien against 702 North 14th Street) and Item 32n (lien against 816 South 15th Street).

Mayor Benton said he would like to pull Item 32l (South Beach Dune Planting).

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

- a. Approve Application for Public Funds in the amount of \$1,000 submitted by R.S. Swisher, Downtown Business Association of Fort Pierce, for advertising for Classic Car Cruise-In.
- b. Approve Application for Public Funds in the amount of \$1,000 submitted by R.S. Swisher, Downtown Business Association of Fort Pierce, for advertising for Bridal Show Downtown Fort Pierce.
- c. Approve Vacation Leave for City Manager Beach from May 6, 2008 to May 9, 2008.
- d. Approve direct purchase of Lighting Materials from Torres Electrical Supply Company in the amount of \$380,337.04 for State Road A1A Phase III Street Lights. Ref. Bid No. 5722 (Funds from SMU Bond No. 2, Reimbursement by FDOT per JPA)
- e. Approve proposal by Burkhardt Construction for design/build replacement of 14th Street Bridge and design of 9th Street Bridge and Dundas Court Bridge that cross Moore's Creek in the amount of \$1,147,427.29.
- g. Approve purchase of fourteen 2008 Ford Crown Victoria Police Interceptors from Duval Ford in the amount of \$296,660.00, pursuant to Florida Sheriff's Association Contract. (Funding from FPRA Innovative Community Policing Grant)
- h. Approve purchase of Emergency Vehicle Equipment to outfit fourteen Police Interceptor Vehicles from Dana Safety Supply in the amount of \$47,422.20, pursuant to City of Tallahassee Contract. (Funding from FPRA Innovative Community Policing Grant)
- i. Authorize purchase of Microsoft Office Professional Plus software program for the Police Department desktop computers from Software House International in the amount of \$20,756.25, pursuant to State Contract.
- j. Accept FY 2008 Project Safe Neighborhood Anti-Gang Law Enforcement Grant (Investigation Project) from the U.S. Department of Justice in the amount of \$25,000; and authorize execution of Subcontract Agreement between the City and the Miami Coalition for a Safe and Drug-Free Community for the performance of services.
- k. Authorize imposing a lien in the amount of \$28,585 against 510 Orange Avenue, owned by Theobald Brothers LLC, for emergency repairs due to imminent danger to the life, health, and safety of citizens.

o. Reduce Code Enforcement lien and costs of \$7,989.37 against 815 North 13th Street, owned by Jack Arias & Melissa Torres, to \$1,600 contingent upon payment within 30 days.

The next item considered was Item 32f, which had previously been removed from the Consent Agenda: Award Construction Contract for **Emergency Drainage Replacement Projects** to B & B Underground Contractors, Inc. in the amount of \$308,496.00 for replacement of storm drainage structures and piping at 10th Street & Delaware Avenue, and along 9th Street, 12th Street, & 16th Street. Ref. Bid No. 5813 (Funds from SMU Bond No. 2)

Commissioner Coke said she doesn't have a tabulation sheet or the rating sheet here on why things were awarded or the suggested award is the way it is, other than the possible money which they all know is a big concern. But she would put to each of them that the difference between the suggested vendor and the Fort Pierce vendor is approximately \$7,000. The Fort Pierce company is here, they employ local people, they pay local taxes, they spend their money with local companies, the local people who live here pay local taxes, they shop here, they use their recreational facilities. She thinks studies have shown that they have an 86% greater economic impact when they spend their money in their hometown than when they spend their money with an out-of-town firm. So if money were the deciding factor, on a personal note she would prefer to spend the extra \$7,000 and keep Fort Pierce citizens employed and spending money in their local economy.

Commissioner Alexander said she has his support on that.

Commissioner Coke said unless there is some grave reason that the Fort Pierce company is not qualified that she does not have in her backup paperwork, then that is a motion.

Mr. Jack Andrews, City Engineer, said they have checked references of both companies and they are fine with either one. It was just a matter of the money. They didn't feel like they had the authority to overrule that \$7,000 difference.

City Manager Beach said what he needs is some clarification of whether this is an issue or not. They need that from either the Mr. Schwerer or Mr. Barnes.

City Attorney Schwerer said he is going to yield to Mr. Barnes first and then he will address his comments.

Commissioner Becht said if they are going to go with Precision Paving, he has a conflict and he will need the forms from the City Clerk.

Mr. Tony Barnes, Purchasing Director, said that determination will be made by this Commission. The rules and regulations and ordinances say that they must have competitive bidding. They do that. And it also says that their evaluation criteria is based on certain things. With all of this being equal, they have no way to make a recommendation other than who the lower bidder is. This Commission can then turn around, if they want to award to someone else, they can do that. With all of the criteria they went through, everything was equal. The Department Head can only make a recommendation according to the ordinances for what is the lowest responsible responsive bid. And that is what they have done here.

City Manager Beach asked but there is no problem with the Commission awarding it to the other bidder?

Mr. Barnes said no, the Commission has the final say-so.

City Attorney Schwerer said what he would recommend, if they are going to consider the second company here on the bid list, when Mr. Barnes has recommended the lowest and

best bid to the Commission of being the West Palm Company, if they are inclined to recommend that the Fort Pierce company be awarded the contract, may he suggest to them that they perhaps come up with reasons why they do that besides just that it is a local company. He thinks Mr. Barnes would agree with him that it is probably not in accordance with the ordinance as it is now written, that it be the sole criteria.

Mr. Barnes said correct.

City Attorney Schwerer said if they don't have those reasons tonight to be sufficiently apprised of awarding this bid, perhaps they may ask Staff to re-evaluate this and Mr. Barnes give them a report on any additional considerations for the second company. What he is simply saying is they really shouldn't award bids to a company simply because it is a local company. He thinks that is contrary to the ordinance and contrary to State Statutes.

Commissioner Alexander asked they should or they should not?

City Attorney Schwerer said they should not, solely on that reason.

Mr. Barnes said they do not have any kind of preference criteria.

Commissioner Coke asked can she have a point of clarification? Many times before they have had a discussion at the Commission level that when they have a rating sheet - whether it is past performance, financial ability - that one of the things that should be on that rating sheet should be a certain number of points for a local vendor. Do they have that established as yet?

Mr. Barnes said this was not a proposal, this was a firm bid. It was based on the lowest responsible responsive bid. They had criteria that the Engineering Department checked. This was not a proposal. Proposals are done that way.

Commissioner Coke said she thinks even on a bid they can give a certain number of points for a local vendor.

Mr. Barnes said that is a preference and they don't have anything in their ordinances that allow them to do anything concerning preferences.

Commissioner Alexander said he is a stickler about jobs in this community. He has asked that on any contracts going out of this City that they have minority, but also St. Lucie County residents. That is why he is supporting this. Maybe if their legal department tells them they need to go in a different direction, then let's bring it back.

Mayor Benton said he thinks what it came to was Mr. Andrews making the statement that both firms are capable of doing it. He takes it they have done business with these folks before. If they had done something he didn't like, Mr. Andrews would have let them know.

Mr. Andrews said that is correct.

Mayor Benton said that makes him feel comfortable that they have done business with the City before with quality work.

Mr. Barnes said correct. He thinks that if they are going to begin to do this, then they need to look at their ordinances and make some sort of changes that would allow them to do this.

The only thing is, he wants to caution them that once they start doing this... He doesn't believe personally from the study he has done that they can support a local preference ordinance, because the contractors here go throughout the four-county area in a sense; and they work to make a living, not only in St. Lucie County/Fort Pierce, but Indian River County, Okeechobee County, and Martin County. What normally happens when they start doing preferences, then they are not going to get that business in Martin County or Indian

River County, because those guys are going to say that Fort Pierce has a preference and they give it to their own contractors, so they are going to reciprocate and do the same thing. He thinks that their local business people then are going to begin to complain.

Commissioner Coke said this recommended award is not in any one of those four counties. It is in Palm Beach County.

Mr. Barnes said correct. But they have no way to do but what they did, they have nothing that says they can go outside of the realm of what their ordinances say.

Commissioner Coke said what she is suggesting is maybe when they look to write it that they give the preference to Indian River County, Martin County, St. Lucie County, and Okeechobee County.

Mr. Barnes said a reasonable preference might do the job.

Mayor Benton said he would rather have them continue doing it the way they are doing it, because the more people they bring to the table, the better deal they might get. They can make that decision up here instead of leaving it to their staff. Because if there are only two contractors in the four-county area that might do something, the price is going to go up.

Mr. Barnes said it says in the ordinance that they must be competitive and they cannot do anything that would restrict competition. And putting preferences in does restrict. It has been studied that once they do that, their prices automatically begin to go up because they have fewer bidders who want to compete for whatever they are bidding. If it is the will of this Commission to do as they please.

Mayor Benton said he thinks that is what they are doing. He knows they have pulled several items to bring to local folks. In fact, one of them, somebody said that business wasn't in Fort Pierce, but just because they send uniforms out of town.

Mr. Barnes said that does become a problem too, because they will set up shell sites just to say they are a local business. If they go out there, they are going to find maybe a phone answering service or something like that. Their main offices and where they are doing business is still in the other cities and counties and things of that nature. So there are ways to get around that.

Commissioner Coke said rather than discuss the philosophical differences of what they may or may not look to do as far as changing the ordinance... She knows for a fact that this is a local company. They have been around for years. They employ local people. Is Mr. Schwerer telling her that she can't make a motion to award this bid to them based on the fact that they are a local company?

City Attorney Schwerer said in more words than one, the answer is yes. He thinks within the confines of the ordinance that Staff recommended to them the lowest and best bid. He would strongly advise the Commission to accept that if the only reason they are changing it is based on the local preference.

Mr. Barnes said he agrees.

Commissioner Coke asked is there another reason that this vendor might stand out in Mr. Andrew's mind?

Mr. Andrews said no. They did check the references on both companies and they are both qualified to do it.

Commissioner Sessions asked with regards to employment of local individuals, can they compare one company with the others and see who is providing more employment?

Mr. Barnes said the thing is they put a bid on the street, they put evaluation criteria in that bid, and now they are trying to find other criteria that are not in that particular bid. They can do that in the future, they can begin to look at their evaluation criteria and look at things like that. But this bid has certain verbiage in it and they have to stay to that verbiage when it comes down to making recommendations.

Commissioner Coke said she doesn't understand, someone up here please correct her, have they not specified for at least six years that she knows of that they wanted that part of a bid criteria, that there would be points given for local companies.

Commissioner Becht said for five years Mr. Barnes has told them they can't do it.

Commissioner Coke said for five years, Mr. Barnes has done exactly what he has done now and said it wasn't part of this one, but they can do it in the future. So she doesn't understand why it hasn't been done.

Mayor Benton said let him see if he can solve this problem. This work is drainage work, right?

Mr. Barnes said yes.

Mayor Benton asked when are they going to start this work?

Mr. Andrews said as soon as possible.

Mayor Benton said going into hurricane season with lots of rain, if there is a problem wouldn't it be easier getting a Supervisor out of a Fort Pierce office quicker than getting somebody from Palm Beach who might take until the next day? He thinks for the urgency of this, it might be easier to have that local person willing to step out of their office and be right there.

Commissioner Coke said good job.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to go with the second rated firm and award Construction Contract for Emergency Drainage Replacement Projects to Precision Paving & Excavation, Inc. in the amount of \$315,614.66 for replacement of storm drainage structures and piping at 10th Street & Delaware Avenue, and along 9th Street, 12th Street, & 16th Street rather than the best offer of B & B Underground Contractors, Inc. due to the fact that they could respond quicker locally in an emergency.

Commissioner Becht said he must abstain because he has an active attorney/client relationship with Precision Paving.

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

The next item considered was Item 32L, which had previously been removed from the Consent Agenda: Approve Change Order #1 to contract with Coastal Growers, Inc. for South Beach Dune Planting, Phase II, in the amount of \$169,445.00.

Mayor Benton said he just wants to verify this is a partnership grant with the State.

Mr. Paul Williams, Urban Forester, said yes, it is the DEP (Department of Environmental Protection).

Mayor Benton said he took a close look in the last week or so at their dunes on South Beach. They didn't have dunes in almost his lifetime, he has never seen vegetation and a

dune growing like he has seen now. They are going to be planting more plants further east?

Mr. Williams said that is correct. They are planting further east and tightening up that western part, which is called the strand zone.

Mayor Benton said for some reason the vegetation is growing very well. The salt air must help it, even with the lack of rain. But he thinks it has done a great job. Just to let everyone know, this is a partnership. And hopefully they will need less sand put on the beach in the future and hopefully they will keep the sand on the beach.

Commissioner Coke said when they originally did this study - and she met with the gentleman who is doing the plantings - she was told they can expect between 9 and 18 inches of vertical height a year to be gained in their dune line for the plantings they are doing. So every time they go and expand their dune line, they are in essence saving or protecting A1A and all the homes west of A1A.

Mayor Benton said it is amazing the dune coming back.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve Change Order #1 to contract with Coastal Growers, Inc. for South Beach Dune Planting, Phase II, in the amount of \$169,445.00.

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

The next items considered were Items 32m and 32n, which had previously been removed from the Consent Agenda: Request by Marjorie & Stephen Patrick to make payments of \$200 a month toward the lot clearing lien and administrative fees in the amount of \$2,044.49 assessed against 702 North 14th Street; and Reduce Code Enforcement lien and costs of \$9,084.89 against 816 South 15th Street, owned by Alin Norcius, to \$1,000 contingent upon payment within five (5) months, and allow payment of \$200 per month.

City Manager Beach said these are two items that were placed on the Consent Agenda by their Building & Code Enforcement Department who manages these things. One of these has already been acted on by the Commission where a reduction in the lien was offered if they would pay the remainder within a 60-day time frame. They wrote a letter back to the City saying they couldn't do that, offering to make \$200 a month payments. The next one is one he thinks has been negotiated where another person is offering to make payments. The Building Staff was enamored by this concept and this idea because it does generate resources and money that they don't otherwise get. When it got to the Department Head discussion this morning where they were evaluating the agenda, they started talking about the complexities of trying to administer something like this. Between the Finance Department and the City Manager's office and the City Attorney's office, they are not recommending that they accept monthly payments from people for fines. It gets too cumbersome, too complicated to administer, too difficult to follow up on; and furthermore, there will not be a lien paid off from this point forward unless they allow them to make monthly payments on it. It is a method of financing somebody's debt. Staff thinks it would be a very difficult program to administer, so they are recommending denial of these requests.

Commissioner Alexander said he begs to differ and only because of this trying time in this day and age. If they were to give anyone with an amount of such as \$2,000 a year to pay that, he doesn't think that is a bad thing because at least they get them off the roll.

City Manager Beach said the time frame they allow them to pay it is fine. What they want is one single payment. They don't want a series of payments. The best way they could do this, if they were not willing to pay off the lien and make whatever offer they were willing to

make to the City, for example he could put \$200 a month in the bank for a year or whatever time frame, and he could come back and make that offer of \$1,000 to settle this. But Staff is very uncomfortable trying to administer this.

Commissioner Alexander said in this day and age, if a person got \$200 or \$400 in the bank and they need to go pay their Fort Pierce Utilities Authority bill, they are going to pay their utilities. But if they give these people ample time... He is just fair with it. If staff came up with this, then he doesn't see at the 12:00 hour changing it. This is a good idea.

City Manager Beach said if the Commissioners want to give them a year to pay it off, that is fine; but don't take it in monthly payments. Let them come in on the 12th month and give the City the \$1,000. What staff doesn't want to do is set up a bookkeeping system to try to keep up with this.

Commissioner Becht said the last comment was the one that gave him pause - they don't want to set up a bookkeeping system for it. So what Mr. Beach suggested at first, which is they set up a bank account at Harbor Federal or somewhere else. He appreciates Commissioner Alexander comments. But to have staff trying to organize maybe 50 or 60 payments at \$200 each, it just sounds like a headache to him that isn't going to accomplish what they want it to accomplish. He will not be able to support it.

Mayor Benton said he would agree. Most of the time when they see somebody coming in front of the Commission and the lien has been reduced by the Code Board or the Special Master, it is because of a sale of the property. If they have a lien on their property and they are not moving, they don't have to pay it. If times are tough, that is just one expense these people don't have to pay. But if they are going to sell that property and they are going to make money off it, they shouldn't put that money in their back pocket and say they will make payments on that \$3,000 they owe the City. Because who knows, they might not make a payment and spend the money on something else.

Commissioner Alexander asked they can't do that right?

Mayor Benton said they could if the Commission agrees to a payment. If they can't make the payment and have already sold the property...

Commissioner Alexander said there would be conditions on that. If they sell the property, they have to satisfy whatever monies they owe to the City. But he is just one individual.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to deny request by Marjorie & Stephen Patrick to make payments of \$200 a month toward the lot clearing lien and administrative fees in the amount of \$2,044.49 assessed against 702 North 14th Street; and deny reducing Code Enforcement lien and costs of \$9,084.89 against 816 South 15th Street, owned by Alin Norcius, to \$1,000 with payments of \$200 a month for five months.

Commissioner Coke said she understands the nightmare this can create as far as setting up an accounting system and then worrying if people pay, are they late paying. And she really doesn't want to place that kind of burden on Staff. She will say that she thinks Mr. Beach might have the right idea that these people can go to the bank that is most convenient for them and open up a savings account. If the City says they are going to reduce the fine to \$1,000 and give them a year to pay it off, they could go down to the bank and put \$150 a month in and then at the year just get a cashier's check and bring it to the City. She doesn't have a problem reducing it, she doesn't even have a problem giving them an extension on the time frame. She just doesn't want to create a larger burden on staff.

Commissioner Alexander asked but if they allow, if they say they pay the amount of \$2,000, if a person was to come in and pay \$1,000 toward that, are they telling him the City won't take that money because that person is not paying the total amount of \$2,000 if they give

him six months? If they don't pay off the \$2,000 assessment, then that means whatever lien they had forgiven goes back on the house, right? They as a City can't do anything for 20 years, he understood Mr. Schwerer to tell him that before, right? A lien can be on a piece of property for 20 years. That is a lifetime for two or three people and a family worrying about a piece of property. But he is just saying, if a person came and brought \$1,000 toward that \$2,000, they are telling him the Finance Department won't take that money because they are not paying the entire amount?

City Attorney Schwerer said that is correct. The Commission declares the time frame and his office issues a letter that says it must be paid. Remember, the incentive to reduce the lien is their forgiveness of the fine and the imposition of administrative costs. It is rare in all of his years of dealing with this that they have anyone... Because the lien stays there for 20 years and the City doesn't technically have a proactive foreclosure process, it just stays on the property. And typically they don't see anyone coming to talk to them about reducing it until they are ready to sell it or they are ready to finance it or refinance it. At that point in time they have the money to pay and that is why they come in to talk with them about reducing it. If a person wanted to wait and had no reason to come and talk to them about reducing it, they could wait a year or two or three or five to save up their money to come and then talk to them about reducing it. So it doesn't make sense for a person to come to them and say they would like their lien reduced and by the way would like to pay it off in monthly payments, when in fact there is no real need to do that, they can just simply wait until they have the funds. They don't usually see these requests until the folks are getting some kind of title insurance because it is being sold or there is a refinancing on the horizon where they are going to have the funds to pay it anyway. They almost always get their payment from title companies. It is rare that some individual sends a payment in. It is usually a title company that sends it in and they know a closing has occurred.

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

Commissioner Alexander said he is just reminding them, they have less than 20 days before the kids get out of school. And he thinks their preparation should be as though a hurricane is coming. Be prepared.

Commissioner Becht said he would just like to finish up this meeting with his personal thanks to Mr. Buchwald for everything he did for the City. He wishes him good luck over at the TPO. He hopes the two City Commissioners that are on the TPO can continue to rib him over there as much as he deserves to be ribbed.

Commissioner Sessions asked since it was approved earlier tonight, the grant dollars from the anti-gang grant (**Project Safe Neighborhood Anti-Gang Law Enforcement Grant**) they are going to be receiving, he guesses is going to be a matching grant?

Chief of Police Sean Baldwin said it is actually not a matching grant. It is Project Safe Neighborhoods, which is run by the U.S. Attorney's office. That was actually an award they gave them because they recognized the situation they are in in terms of gangs and gang violence. That was an award they gave them above and beyond a regular grant they give, to try to do some extra work to combat the gang issue. There is no match, that is just a gift from the U.S. Attorney's office more or less.

Commissioner Sessions said realizing that is a serious problem in their area, he was just wondering what they were targeting these funds for? What are they going to use them for in light of the problem and purpose of the grant itself? It seems to him as though the individuals that came up earlier certainly would be someone to be considered for purposes of fighting gangs in their area in light of the seed aspect of the Weed & Seed they are trying to offer at this point. He doesn't want to see the money go toward purchasing cars in essence is what he is saying. He hopes it is going toward the real purpose, to fight gang violence.

Chief Baldwin said that money is specifically dedicated to doing law enforcement investigations. It can't be used for any other purpose. That is exactly what the money is going to be used for is law enforcement investigations. The award was contingent upon them using it for that. He will find a way to work with these groups from the community who are trying to do intervention activities, because that is just as important.

Commissioner Coke said a couple of years ago the Commission directed Staff and she was very pleased that they have Department Heads working on Fridays. She was very disheartened this Friday though. Unfortunately when she called the third floor Mr. Beach was on vacation, which he certainly is entitled to, and Mr. Recor was not in the building, he was out of town. She understands they are going to have emergencies happen. But she thinks they really need, especially at that level, to plan that they have somebody steering the ship. The reason that became apparent to her was... First, she would like to thank them all for signing a letter tonight to send to the TPO (re funding for A1A). She doesn't want to say too little too late since they approved it three weeks ago, but someplace along the line that fell through the cracks. She was calling Mr. Andrews asking how come they are not on the TPO Agenda and how come the TPO doesn't have a letter. That happened earlier in the week and then Friday she still didn't have the letter. They have it tonight. She is going to beg the indulgence of the new TPO Director to allow her to speak at Wednesday's meeting and plead her case. She thinks especially with this situation, this A1A project is top on her list of concerns to get the finances to have it completed. They needed to prioritize acting on that and begging over there, if that is what they needed to do. She was very disturbed that the letter didn't get done in what she considers a timely fashion. And then once they picked up the ball, they didn't exactly run with it the way they should have. There was nobody around Friday to help her run with it the way she would like.

Mayor Benton said Saturday he had an opportunity to meet and visit with over 100 Comcast employees who gave their Saturday up to help work on the Magnet School of the Arts on Delaware Avenue. They landscaped, they painted, they worked on equipment inside. It was really nice to see a private firm have their employees come in and spend their Saturday making Fort Pierce a better place and working on the school.

Mayor Benton said he just wants to give a brief update. He had no plans on going to Washington, but he did get a phone call from Congressman Mahoney a little over a week and a half ago requesting that himself and anybody he could bring along from their little committee possibly could join him with the GSA Director to move their **Federal Courthouse** project forward. So himself, Commissioner Craft from St. Lucie County, and past Mayor Bill Dannahower went up. It was kind of an interesting meeting. The GSA Director (Lurita Doan) stepped down the day before for reasons which they won't discuss. But their meeting went very well. He is cautiously optimistic. But they did meet with three folks from GSA, the new Director coming in. He thinks what they are going to have to do with GSA is offer their helping hand to make sure more than two contractors come to the table. So what commitments they have made, hopefully they will go along with it and hopefully he will get the support of everyone up here, is possibly spending a few dollars to help advertise. It appears GSA is going to have their pre-construction meeting here on the site. The tentative time is July 9th. The last time GSA had two bidders, which was on their own little personal short list; and only one of them bid, who didn't want the job, so it came in 30% over cost. What he is planning on doing is getting personal letters out to folks like Haskell and groups the City has worked with, like the folks who built the Human Development & Resources Centre and other firms in Florida. But he really thinks maybe advertising in the Miami Herald, maybe the Orlando Sentinel. The unfortunate thing is, what they did find out, the reason why they are not going to find anybody locally going for the big contract is because they are required to put up a \$39 million bond. In talking to some of the biggest contractors in the area, they said that is about twice as much as they have ever done. But Congressman Mahoney and all of them said clearly that they wanted whoever was hired to use as much local help as possible. And being the economy is the

way it is, they felt they should get a lot better deal now, there should be more bidders, and they have enough time to get them to the plate. It is just getting them pre-qualified to bid for a government job. Hopefully they are going to work on that with them. The commitment was also there with St. Lucie County. What he is planning on doing is bringing a monthly update on where they are at and letting everyone here know the responses they get. And so is Congressman Mahoney's office. They have letters and they also have names and phone numbers to get in touch with the people, not only in Atlanta but in Washington, to keep this on track. The intent is to have the ability to offer a contract or sign a contract by as early as the end of September.

Commissioner Sessions said \$39 million with regards to a bond. They are trying to attract individuals perhaps locally to come in and submit a bid. Is there anything the City can do in terms of reducing the bond amount?

Mayor Benton said that is GSA's requirement. That is the way the Federal Government does business. When he says local, he is also considering through Central Florida, because they don't have any really big firms locally. He spoke to some of the bigger ones who are in St. Lucie County and that is about twice as high as they have ever gone with a bond. But he thinks if they can get somebody in Florida right now... With the City's parking garage, he explained to them that the City has committed over \$100 million worth of infrastructure to support the Federal Courthouse. Just finishing this, it was one of the quickest parking garages ever built by government. Hopefully they will take the City's hand and work with them. He thinks GSA is looking to improve their image after the Director resigned. He thinks in the future they are looking to get the GSA back on track.

There will be a Joint Meeting with St. Lucie County Board of County Commissioners on Tuesday, May 13, 2008 at 2:00 p.m. in the St. Lucie County Commission Chambers, 2300 Virginia Avenue, Fort Pierce, Florida, to discuss parks and other issues.

There being no further business, Mayor Benton declared the meeting adjourned at 8:50 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

