

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 18, 2009.

Mayor Benton called the meeting to order.

Commissioner Reginald Sessions 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 David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

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The next item on the Agenda was Approval of the Minutes of the Joint Workshop on March 30, 2009, and the Minutes of the Regular Meeting on April 20, 2009, and the Minutes of the Budget Workshop on April 29, 2009, and the Minutes of the Regular Meeting on May 4, 2009.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Joint Workshop on March 30, 2009, and the Minutes of the Regular Meeting on April 20, 2009, and the Minutes of the Budget Workshop on April 29, 2009, and the Minutes of the Regular Meeting on May 4, 2009.

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

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The next item on the Agenda was Presentation of Check in the amount of \$20,000 from National City/PNC to the Sunrise Theatre Foundation for the Black Box Theatre Space.

Mr. John Wilkes, Executive Director of Sunrise Theatre, said tonight he wanted to recognize some wonderful partners of the Sunrise Theatre. As they go into renovating the flexible multi-purpose space at the Sunrise Theatre, he just wanted to let them know that a grant has been awarded to the Sunrise Theatre Foundation by the National City - Harbor Foundation, which is a part of National City and now part of PNC. He would like to introduce Candice Loupe, District Sales Representative; Robert Poore, Area Sales Manager for National City/PNC; and Sue Dannahower, the Chairman of the Sunrise Theatre Foundation, to present a check which will be going from the National City - Harbor Foundation to the Sunrise Theatre Foundation, which will then be turning it over to the City of Fort Pierce as part of the renovation cost for the black box space.

**Ms. Candice Loupe** said they are pleased to be able to do that.

Mr. Wilkes said from the beginning of the renovation of the Sunrise Theatre, Harbor Federal originally, then National City and now National City as part of PNC, has been supportive of the original renovation when it reopened in January 2006, both as a corporate entity but also a number of personal gifts from the staff of the bank. He would like to acknowledge them and

certainly acknowledge the Foundation for all they have done in the past and the present and the future in terms of their sponsorships for shows and in terms of operating costs. So thank you very much on behalf of the Sunrise Theater and the City and the Foundation.

Mayor Benton said they want to say thank you because Harbor Federal, National City, and now PNC has been a big partner in not just the Sunrise Theatre, but all the renovations that have taken place in the last 15 years in Fort Pierce. They thank them all for continuing to be a partner. It couldn't have been possible without their help. He thanks Sue Dannahower for all her efforts. This is one more step, the Sunrise Theatre is moving on.

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Mayor Benton proclaimed May 17-23, 2009 as "NATIONAL PUBLIC WORKS WEEK".

Mr. Bob Hood, Director of Public Works, said on behalf of the men and women at the Public Works Department of the City of Fort Pierce, they gratefully receive this proclamation. Every year at this time for the last many years the Commission has seen fit to issue this proclamation honoring the work of the men and women at Public Works. They appreciate it. They are the unsung heroes out there. Whenever the taxpayers - in both good times and when times aren't so good - wonder what their tax dollars are bringing them, all they have to do is go to one of the City parks, drive on the City streets, look at all the landscaping along the highways and around the public buildings, inside the public buildings, and look at all the vehicles, including those of the Police Department, that respond to their calls to know that the Public Works men and women are working very hard on their behalf. He is very proud to be the Director of that Department. For those men and women, thank you.

Mayor Benton said he wants to say thank you also. It wasn't that long ago after two hurricanes where Public Works had to clear the roads off so FPUA could turn the power back on. They all did a wonderful job. The City is very proud of that Public Works Department. Every day they see his folks out there and the improvements to their City parks and everything. Especially under some challenging times, Public Works has done an excellent job and they are very proud of them.

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Mayor Benton proclaimed May 2009 as "CENSUS AWARENESS MONTH".

**Ms. Melissa Serrano**, U.S. Census Bureau, said with her is her counterpart, Anne Pierre. They are Partnership Specialists. From now throughout Census 2010 - Census Day isn't until April 1, 2010 - they will be working in the community to educate the community about why the census is important, to insure that they have an accurate count this time around. They will be working throughout St. Lucie County, not just here in Fort Pierce. But here in Fort Pierce they will be working together with Ms. Satterlee to create a Complete Count Committee which will consist of community leaders from the City of Fort Pierce to try to spread census awareness throughout the City.

Commissioner Sessions said if he misses her this time, he doesn't know if he will be here 10 years from now to address her again, so he has to take advantage of this opportunity. Realizing how important the census count is for their City and based on his experience, at least in his personal opinion, they have been undercounted in the past. That in itself alleviates them from getting a lot of assistance that they probably would get if they didn't have a more accurate count. Does she have a different approach? Is she doing anything different this time than what was done in the past, so they can get a more accurate count in light of their immigrants and migrants who tend to hide somewhat? What is the plan of attack in order to address that?

Ms. Serrano said Ms. Satterlee had mentioned to her that in 2000 a Complete Count Committee was created here in the City of Fort Pierce. That will be happening nationwide at the local governments, county and city governments will be creating their own Complete Count Committee. This time around, through herself and Ms. Pierre, they are going to be creating Hispanic Community Complete Count Committees as well as Haitian Community Complete Count Committees to really try to target those hard to count communities a little bit farther. They are working with community leaders who are active in those communities right now to try to bring them all together and really make sure that they target the migrant and the immigrant communities that may have a fear of participating in the census or just may not know about it or know of the importance of that data. That is the approach they will be taking, making sure they have people who speak Spanish who are involved in the Spanish community as well as the African American and Haitian Creole community.

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

Letter from David Ackner, LCI Construction of South Florida, Inc., in appreciation of the responsiveness and diligence of Building Official Marc Meyers, the Permit Specialists, and the Building Department.

Letter from Barbara Conroy in recognition of the professionalism and great job done by Melody Sanderson, Code Enforcement Community Response Officer.

Letter from Jim Pagano, Brewer's Café, in appreciation of the pleasant and business-friendly professionalism of the City Clerk Staff - Jeanette Conlon, Vanessa Ventura, Joyce Kobbe, and Christine Kell.

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**Mr. Jeff Furst**, St. Lucie County Property Appraiser, said he thinks this is the first year he has started with Fort Pierce. He figured he would start with Fort Pierce and warm up to the rest of them. Actually the news in Fort Pierce is better than anywhere else; which is not to say it is good news, but it is better than other places. When they were experiencing some of the big runups, the runup in the City of Fort Pierce in property values was not quite as great as it was in some other areas. And fortunately, from their end of it at this point, it is also not falling like it has in some other parts of the community.

The major areas they look at and actually by definition break it out are the County overall, Port St. Lucie, Fort Pierce, and St. Lucie Village. The Village is kind of a statistical non-event because of its size being so small that a couple of things one way or the other can change it. So the statistics they tend to watch are the two cities and the county overall. The reason he is here before the June estimate is required is he thinks he has a fairly good feel within the City at the moment of where it is going to end up. While he can't give them the exact figure because he still will work through it until the July date, the preliminary number he will release for June 1st is probably going to be in that 13% to 14% range down from last year, which says in effect that they have lost about \$360 million of taxable value in the City after taking into account the new construction. The new construction was actually very similar to last year. In most of the other areas, new construction is off very significantly. In the City of Fort Pierce, they are only down about \$1.5 million in new construction, which means that the impact on the roll is not as severe as some of the rest of the community. He is thinking that the number will probably not exceed 15% by July 1st. Again, always giving the cautionary note that the reason the State gives them from the end of the year until July to get these numbers together is, when they are dealing in a tax roll that is in the billions, any kind of input error or any kind of problem they find in the roll at the last minute can change something. But they have been through it, it makes sense to them, it looks right to them, and based on what they are seeing in the rest of the community, they think it is a pretty good number. He will give them an official number June 1st and they will get a final number in July. He believes the number they give them June 1st will be pretty close. Again, not discounting the notion that they could have a problem in the roll, he suspects what they see in June will be a good number to budget from and it is not likely it would change much. He doesn't think it is going to change much from what he is looking at right now. They are in that 13% to 14% range, maybe 15% on the outside. It could also change to the better, but he is not imagining that. So he is guessing that what they have done so far is going to be accurate, it will hold up. When they run the final numbers and make the adjustments, he is not looking for anything significant to change. CRA's, he starts getting those calls. George Bergalis used to always call him right away and ask, what about the CRA? They just haven't broken that stuff out yet. He can tell them as a practical matter that it will be a difficult year for all of the CRA's because they were always benefitting in a CRA from rising values. When they have falling values, it has the opposite affect. The values are moving back toward where they started, which means there wasn't any additional increases in those areas, which is going to result in less funding from the people who were writing a check back to them. They suspect the CRA's will take a pretty good hit in both Port St. Lucie and Fort Pierce again this year.

Commissioner Becht said he thanks Mr. Furst for the moderately good, less than horrible, news. Without meaning to steal his thunder as he goes to the County and Port St. Lucie and the Village, can he give his overall projections for the County as a whole?

Mr. Furst said he really can't. Believe it or not, he just left the office with his assistant and they just ran the City's because they were coming here. Tomorrow morning, with Michelle Franklin and some others, he is going to finish running the County, so he is not quite there yet. He can tell them that everything they have run so far, the worse scenario is in Port St. Lucie and the best scenario is Fort Pierce and the County is in between, but certainly worse off than the City. He has told Port St. Lucie all along that he felt their number would exceed 20% and it will.

Commissioner Becht said so the safer investment would have been in Fort Pierce.

Mr. Furst said they will have everything by June 1st. He thinks this will be fairly accurate.

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The next items on the Agenda were (a) Interlocal Agreement between the City of Fort Pierce and St. Lucie County - Annexation of the Treasure Coast Education, Research, & Development Authority properties and (b) Ordinance Nos. L-53 through L-60 (a/k/a Rock Road Annexations).

City Clerk Steele said on the Agenda is an Interlocal Agreement between the City and St. Lucie County for annexation of the Treasure Coast Education, Research, & Development Authority properties. Following that is Annexation Ordinance Nos. L-53 through L-60. After their meeting last Friday (Joint Meeting with St. Lucie County Commissioners on May 15th), she needs to know how they want to handle these items. Are they going to move forward with them or do they want to table them?

Mayor Benton said he believes they had decided they were going to put off the annexation of at least the Research Park.

City Manager Recor said yes, they did.

Commissioner Becht said there was some general discussion - he doesn't know if they can do it or they cannot do it - but one of the County Commissioners had mentioned that he thought one of the property owners to the north was willing to come in and even wanted to come in. Has anybody from the City contacted that property owner?

City Manager Recor said they were talking about it this morning. Is this the property Ms. Satterlee was speaking of?

Mayor Benton said Mr. Schwerer indicated he had his office looking into that.

City Attorney Schwerer said given that was discussed Friday afternoon and it was Monday morning for the first time for Staff to get together, he tasked his staff to start looking at the legal issues involved with annexing that parcel once they identified where it was. Ms. Satterlee was also tasked this morning to make inquiry of the property owner and to make sure the information they received on Friday was accurate.

Commissioner Becht asked have they been able to contact the property owner?

Ms. Anne Satterlee, Communications & Marketing Manager, said no, they have not. There are three parcels they are looking at...

Commissioner Becht said that affects how he would like to handle this tonight. They have given notice, they have advertised them. The three who might be willing to come in later, he would hate to do anything with other than roll them over to a comfortable date for staff to try to make contact with them and for legal to make a decision on whether the City can bring them in, if they are so inclined. And so that Mr. Satterlee (St. Lucie County Growth Management Director) doesn't have to keep coming here every other week, maybe they could effectively deal with the ordinances which affect the Research Park, but leave open the ones that might be viable to the north. Any suggestions from Staff on how to deal with that?

City Attorney Schwerer said since these are on for second reading tonight and they are perhaps dealing with just one parcel or three, he would ask that they probably make a motion to table. Then it is on the table. And when the Commission decides after appropriate staff input, they could always do a motion to lift from the table and then it will be brought before them publicly advertised for the ordinance readings. So a motion to table would be the proper motion at this time on all of the ordinances; and then they can selectively move to release from the table any one or more of these annexation ordinances.

Commissioner Becht said he is not sure that is fair to the County. The County has been coming here every other week and he would like to put them in a position where they know that the Research Park is off the table. What he wants to do is leave the ones north of the Research Park on the table and get rid of the other ones. How does he do that?

City Attorney Schwerer said here is the other problem. This is technically under Roberts Rules of Order. They can move to postpone indefinitely, but what that does is it kills any of these annexations for this session. He doesn't know how they define that, maybe that is this fiscal year and maybe it is even longer. He doesn't like to see that motion to postpone indefinitely, because under Roberts Rules of Order that is used to kill a motion indefinitely for a session. They might want to reconsider, if they can reach an agreement with the County, to bring it back. He would prefer the table motion over that from a technical standpoint. They would give the County plenty of notice. It is not like they are bringing it back without notice to them on a motion to lift from the table.

Commissioner Becht asked when he does the motion to lift from the table after staff is able to contact the owner, after legal is able to tell them they can do this, after the County is contacted and they follow through and say they have no objection to this, can he lift from the table just those properties north of the Research Park?

City Attorney Schwerer said yes, any one or more of these ordinances can be lifted.

City Manager Recor asked are they going to continue to a date certain?

City Attorney Schwerer said no, not with a motion to table.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to table Ordinance Nos. L-53 through L-60.

Commissioner Becht said they kind of jumped over the Interlocal Agreement.

City Clerk Steele said if they don't take any action on it, it is effectively gone. There wasn't a Public Hearing.

Commissioner Becht asked he doesn't need to worry about it?

City Clerk Steele said no.

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

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The next item on the Agenda was Resolution No. 09-30, Designating the Old Fort Park as a Historic Property and a Locally Significant Site. (Postponed from May 4th.)

City Clerk Steele said Resolution No. 09-30, which would designate Old Fort Park on South Indian River Drive as a Historic Property, Staff is requesting a postponement to June 15th.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 09-30 be postponed until June 15th.

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

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 09-32

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING **AMENDMENT TO RULES OF PROCEDURE** AS ADOPTED BY THE CODE ENFORCEMENT BOARD; CREATING **CEB / MAGISTRATE RULE 9** TO PROVIDE PROCEDURES RELATING TO REPRESENTATION OF ALLEGED CODE VIOLATORS; RENUMBERING EXISTING RULE 9 AND SUCCESSIVE RULES."

Commissioner Alexander said he would like an explanation on that.

City Attorney Schwerer said this rule started from a Staff suggestion, both from the Code Compliance Manager and his office, concerning representation of violators. They were

getting attorneys that were appearing for violators at the last minute coming before the Board or the Special Magistrate, requesting that they postpone the case, and then they would be indicating the time required for the hearing would be two hours or three hours or different times. So Staff suggested that they have a procedure whereby if someone is going to be represented by an attorney or any other representative, like for out of town property owners, that there be a mechanism so they could file something with the Board stating their appearance. Then Staff would know how much time to allot it and, due to the particular issues involved once they make contact with that representative, which forum would be best to raise that, because it does take time. This rule is just simply to allow the process. They don't have a process where an attorney can file a Notice of Appearance, stating their appearance to the Board or the Special Magistrate, and then everyone knows they are the representative. That person can then be contacted for instance to agree to continuances or other things in the case and be the official representative for the violator. It makes for a streamlined process. That is why the Board below and the Magistrate below approved this rule. It is before them as a housekeeping matter because the Commission must approve any of their rules.

Commissioner Alexander said the City of Fort Pierce is over 100 years old. Why now? He looked at some of the Code Enforcement Board meetings and saw where attorneys come in and took over. But that is what attorneys do. A homeowner or property owner wouldn't know the extent of what they have to go through when they talk about hundreds of thousands of dollars worth of fines and liens on their properties. So what are they talking about that at the last moment?

City Attorney Schwerer said this wouldn't affect those property owners. This doesn't affect anybody who is not represented by an attorney. If someone is going to be represented by an attorney or for instance somebody else who has a power of attorney to speak for the property owner, it gives them a mechanism to appear and then it gives them a mechanism to be officially recognized. But it is by no means requiring a citizen of this City to get an attorney or a representative. It is simply providing a process whereby should someone so elect to do that, the attorney or representative can then make the appearance and it streamlines how the case progresses from that point forward.

Commissioner Alexander said Mr. Schwerer has been an attorney over 30 years and he never came up with this rule.

City Attorney Schwerer said it was suggested a couple of times. He thinks more frequently now that they are getting attorneys who are appearing and making a case complicated and taking up a lot of time. Everybody has to prepare for the hearing, they get there, and all of a sudden it gets continued because an attorney shows up and says they need to do this and that. It really helps the process. It is not designed at all to hinder the process.

Commissioner Alexander said he is not here to hinder anything. He just thought maybe the public might need to know.

Commissioner Sessions said he also thought it was imperative that they make sure when attorneys are involved that those cases would go before the Special Magistrate as opposed to the Code Enforcement Board, because a lot of times attorneys come in and complex things.

City Attorney Schwerer said that is part of the process. Those who worked on these rules - the Code Enforcement Board, Code Enforcement Staff, and Mr. Walker from his office in particular worked on this. They are not going to automatically say any time an attorney appears it goes before the Special Magistrate. But if it does get very complicated and there are rules of procedure and a lot of objections that are going to be made, that is perhaps a case that should go to the Special Magistrate when the attorney is involved because that is a different type of process. The Special Magistrates are lawyers and act as quasi-judges, so they are very well skilled in handling attorneys.

Commissioner Coke said they had a complete discussion a while back about requiring if someone was represented by an attorney that it go in front of a Special Magistrate. Staff was supportive of that idea. She brought it up and unfortunately couldn't get two Commissioners to agree with her on it. Her concern at the time was that it burns a lot of Staff time when they are dealing with the Code Board and they get attorneys involved. Nothing against the attorneys, but they talk a lot more than other people do. And what happens is, they like to talk in legalese instead of English. She thinks really it is for the betterment of everyone, if it is an attorney related case or an attorney is representing the people, that it should go in front of a Special Magistrate. But they couldn't get three of them to agree on that the last time they brought it up and tried to change the ordinance.

Commissioner Becht said he is a City Commissioner and sits here not as an attorney. But in a prior life as an attorney he has been before the Code Enforcement Board. The City brings his client before the Code Board because of an alleged violation. And because his client happens to choose to hire an attorney, his client now has lost one of his options, and that option was to go before the Code Enforcement Board. He doesn't like that attitude. He thinks the public ought to have the option, whether they are represented by an attorney or not represented by an attorney, to both avenues, whether that is Code Enforcement Board or Special Magistrate. He thinks it is a bit heavy-handed to tell one segment of their population that they have to go to the Special Magistrate, while another has an option to go to the Code Enforcement Board or the Special Magistrate. How is that fair?

Commissioner Coke said it is an even playing field, attorney to attorney.

Commissioner Becht said there is an attorney at the Code Enforcement Board, and at times a very outspoken attorney.

City Attorney Schwerer said the rule doesn't require all attorney represented cases to go before the Special Magistrate. The last sentence of Section (a) says, "The Department shall determine whether, in light of such representation, the case is most properly assigned to the Special Magistrate or to the Code Enforcement Board and may reassign it accordingly." The reason for that is that if the property owner is going to be represented by an attorney, the Code Enforcement Staff, if the case is presented to the Code Board, must stand on their own, because in that respect there is no attorney representing the City and actually the Staff is technically representing the City and the enforcement of the Codes. The Code Enforcement Officer would have to feel comfortable in presenting his or her case to the Code Board. If however it is going to be a very complicated case and Staff desires legal advice on that, if it goes to the Special Magistrate then there is an Assistant City Attorney representing the City's position at that hearing. So it balances it. In other words, the property owner has an attorney and the City has an attorney, and the two obviously balance each other. That is the intent of the rule.

Commissioner Becht said Mr. Schwerer confused that very well. Is he saying there is not an attorney present at the Code Enforcement Board hearing for the Code Enforcement Board?

City Attorney Schwerer said he has to understand...

Commissioner Becht asked yes or no?

City Attorney Schwerer said that is not the issue. The issue is...

Commissioner Becht said that is his question and he would like an answer to his question. Is there an attorney there for the Code Enforcement Board?

City Attorney Schwerer said for the Board, but not Staff. No one is representing the City's position. The Board Attorney represents the Code Enforcement Board.

Commissioner Becht said as an attorney for the City, he appreciates what he is saying. As an attorney for a private citizen, he is looking at this as they are loading up on him. Because now they have an attorney who is paid for by the City representing the Code Enforcement Board and they want another attorney in the room representing purely the City. So now he has two attorneys against him.

City Attorney Schwerer said no. The City Attorney cannot appear in front of the Code Enforcement Board as an advocate, that would be unethical and that is a violation of every rule known including their code. The City Attorney either serves as the Board's Attorney, in which case he is a neutral advisor to the Board. He cannot prosecute cases.

Commissioner Becht asked does Mr. Schwerer really believe that he comes across as a neutral? Where does he sit? He sits up here. Who is he advising? He is advising the Board who is

going to decide the fate of the poor citizen who is out there who has allegedly violated their codes. He thinks he is here alone.

Commissioner Coke said the person who allegedly violated the code shows up with an attorney to plead his case. The people who are pleading the case for the City is the Code Enforcement people who do not have an attorney. So now they are taking Code Enforcement people and putting them up against an attorney. So there is a definite unfair advantage there.

Commissioner Alexander said the reason he questions this, because in Section (b) it is stating that this person has to notify a week before coming to a Code Enforcement Board. So how would that person know all of this is going to be up front before him before he walks in that door? Then they say it is the discretion of the Department whether they continue or send it this way or that way. They again are putting the non-lawyer citizen who would have to leave that meeting, go hire an attorney... Nothing wrong with that. But if it wasn't broken, what are they fixing? Again, he can understand their dilemma in the meetings; but if they can sit here five or six hours, Code Enforcement Board can sit five or six hours. As far as he is concerned, Staff can stay ten hours because they get paid anyway. He is not trying to be facetious. But when he sees changes in code enforcement that has been code enforcement forever... Ms. Arraiz is not an attorney, is she?

Ms. Peggy Arraiz, Code Compliance Manager, said no.

Commissioner Alexander asked why was this driven then?

Ms. Arraiz said it is a procedure that is technically already taking place. They had Code Board on Wednesday. On Tuesday afternoon she received a call from an attorney one of the violators had hired and he did not have enough time to prepare. The attorney asked, could they continue? Staff willingly said yes, they will continue it. Which they did. They scheduled it before Special Magistrate Ross this upcoming month.

Commissioner Coke is correct, one of the issues also is that Staff does not have an attorney representing them during the Code Board hearing. They do the best they can. The violators might have an attorney representing them, but the Code Staff does not. The City Attorney can only represent the Board - he cannot advise staff, he doesn't meet with them before the hearings to make sure they have all their cases in order, they are on their own.

Commissioner Becht said he will match her against any attorney he has seen come before the Code Enforcement Board. She does a fine job.

Ms. Arraiz said when an attorney contacts them and asks can they continue this, they routinely do it. This is more of a housekeeping issue, putting it as a procedure to something they really already do.

Commissioner Becht said he doesn't want to spend too much time

on this. He doesn't have a problem with the notice at all. He thinks the notice is appropriate, he thinks it will help staff. What he does have a problem with - and it may be more philosophical than practical - is he has a problem with an attorney's client losing the option of going before the Code Enforcement Board. That is his point.

Motion was made by Commissioner Coke, seconded by Commissioner Sessions, that Resolution No. 09-32 be adopted.

Those voting in favor of the adoption of Resolution No. 09-32 were: Commissioners Coke, Sessions, and Benton. Those opposed: Commissioners Alexander and Becht.

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The next item on the Agenda was Mayor Benton discussion on request by American Red Cross for use of the **Fort Pierce Community Center** as a host shelter following a disaster.

Mayor Benton said he got a letter from the American Red Cross and Mr. Wyman has come to see him a couple of times. Mr. Wyman said he was going to try to get in touch with every Commissioner. When they built the Human Development & Resources Center, their intent was to harden that building and allow it to be used as a shelter after a storm. Also, the Community Center has been used as a shelter in the past by the County. It is just a request and he brought it in front of this Commission because hurricane season does start June 1st.

City Manager Recor said there are a number of practical concerns that several of the Department Heads have raised regarding this facility in that it may not be appropriate, particularly given that they have the HDRC ready to go. He will let the Building Official or Director of Public Works speak to the issues they have raised. But he understands that the Community Center building was three feet under water during the hurricane in 2004. Obviously its proximity to the water, the type of glass that is in the building, and its dated construction, there are again practical concerns that they may not want to allow this, but rather redirect it to the Human Development & Resources Centre instead.

Commissioner Alexander said at one time they had a list of Emergency Centers and contact numbers for individuals. That list has since gone away. He heard 29th Street was a shelter. Do they have that in writing?

City Manager Recor said he thinks what he is referring to is a list that is maintained by the County as the EOC coordinator where they actually determine the shelters and the facilities that are opened. He believes there is a list that the County maintains. He can get that list.

Commissioner Alexander asked is the 29th Street building on that list?

Mayor Benton said it has just come on line. They haven't officially... First they have to have someone there taking charge. He thinks that is what the Red Cross wants to do.

City Manager Recor said he will talk with the County Administrator and find out what facilities are on their inventory. They had an issue last year, but he doesn't remember the event, but there was a request to open the HDRC. There was some question as to why it was not opened and why something else was. They had to explain that it is a County determination. If it would help them to see what the inventory is, he will get a copy of the facilities.

Commissioner Coke said first of all, she questions the wisdom of putting people during a hurricane in a building that is probably 50% glass and in a flood zone. She doesn't think the Community Center serves the purpose of an emergency shelter. Also, she thinks they need to develop a plan to utilize the HRDC building for an emergency shelter; but she thinks they also need to develop a policy whereby the people who are going to be running it as an emergency center are responsible for any damages done to the building. She knows that the School Board closed down some places and there were a lot of other places that were severely damaged, which happens when they put people there, but somebody needs to be responsible for that. She thinks they need to address that up front, not after the fact.

Mayor Benton said this is just merely starting the ball rolling in that direction. Speaking with Mr. Wyman, because of the problems they had, one of them was specifically Westwood High School. They got around that situation now, they have lots of insurance and that would cover it. But do they want to start discussions with the Red Cross about one of these facilities? Because if they were to have a storm next month, the doors would probably be shut. It is merely getting the ball rolling so they have something, because it could take forever to go through legal departments. He thinks it is just saying yes, they would like to entertain what the Red Cross could do for them. But that facility on the river is out of question, there would be liability issues with that. He doesn't know who is running the Fenn Center for the County. It could be the Red Cross. He is not sure.

Chief of Police Sean Baldwin said the new Civic Center is an emergency shelter for special needs and/or other events if there is no special needs. It is fully equipped. Another shelter is the Human Development & Resources Centre. They have made arrangements to use that if it is necessary in the event of a disaster. Then of course there are several schools around the community that could be used. The movement is to go away from using the schools, because once they use the schools, now they can't get the kids back in school afterward. The County is well equipped to provide for shelters, although he is sure they can always use more. He thinks it is a good point, they have to find buildings that are properly equipped to do that duty. The Community Center on Indian River Drive will continue as far as he knows to be a cold weather shelter, which doesn't seem to be a problem because they don't have issues with electricity, flooding, wind, and all of those issues.

Mayor Benton asked do they want to open some dialogue with the

Red Cross in maybe running the Human Development & Resources Centre in the case of need out there? (The Commissioners agreed.)

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The next item on the Agenda was Mayor Benton discussion regarding the YMCA property located at 903 South 21st Street.

Mayor Benton said he thinks they had considerable discussion about the YMCA the other day (Joint Meeting with St. Lucie County on May 15th). He put this on the Agenda mainly because when Mr. Lass stood in front of them (at their meeting on October 6, 2008), he agreed to have that facility open for summer programs. He hasn't seen it open yet. He goes by there at least three or four times a week and has not seen the facility open. It wasn't open this weekend. Summer is a month away. What he was hoping for, maybe a letter from the City to the County to get the ball rolling. He doesn't know what the County have to go through to get the property back. When he saw the contract, he thought if the YMCA didn't use it, then it automatically went back to the County. The City owns property adjacent to it. It is not just the building, but it is also several ball fields. He just thinks it could be used by kids in lots of different organizations if somebody takes charge of that facility.

City Manager Recor said he thinks they really need to encourage the County to step up the interpretation of abandonment or programmed activities. He thinks the actual language of the Lease Agreement talks about abandonment of the facility. To arm the County, he has requested the utility bills for the YMCA building, particularly over the last year. He was specifically in the building in August of 2008 and he can tell them there was one program with a handful of small children that was being run, and the rest of the building was vacant and clearly not being utilized. At that time, the facility was approaching the need for Code Enforcement attention. He thinks if they can look at the utility bills over the years, and particularly over the last year, to show a decrease in consumption, that will further their argument that the property has been abandoned.

Mayor Benton said if they look through the code enforcement in the last several years, he knows he got many complaints about the condition of the ballfields not being mowed and the garbage from weekend soccer playing over there when it wasn't too high.

City Manager Recor said he was aghast when the response from the YMCA was that they would entertain a facilities lease agreement with the City if they wanted to use the building.

Mayor Benton said he thinks a formal letter so they can get the County to push them to get that facility. It is something that can be used by a lot of different groups, even if it was run through the Community Center. The City has taken over the Community Center. Who knows where they are going to go in the future? But that facility could be another community center in that area of town. It would be a perfect place for lots of organizations.

Commissioner Coke said she thinks a letter is a great idea, requesting that the County pursue this actively. She thinks included in the letter, because the County doesn't seem to be as aware of the lack of things that are being done over there, they should give them the history. It started out with the City being aware that the YMCA was no longer offering services when they were approached by a real estate agent that they are looking to sell the property. And that the City has been dealing with this for almost a year now and have gotten no response as far as any programming for the children. Here it is summertime. They have ballfields, but she doesn't see any T-ball being played, she doesn't see softball being played. She drives past there almost daily and she sees no activity whatsoever. She can understand the County's concern that they don't want to pull away from the YMCA. She would certainly not want to pull away from the YMCA either if they were providing the necessary services to their children, but they are not. She thinks unfortunately the County hasn't been made as aware of all of that as they should. If they could include some of the history as they know it in the letter to the County, it might help.

Mayor Benton said he thinks the YMCA has pulled away from Fort Pierce. He has not seen any effort by the YMCA at all. Most of the efforts have been in Martin County, that is where the money is. Fort Pierce will take care of themselves, so let them use the facility. As it is closed, it just deteriorates. There is a certain amount of maintenance that needs to be done to the facility. It is just sitting there falling apart.

City Manager Recor said they will step it up with the County.

Commissioner Sessions said he agrees. When they look at what used to be done over in that area, it is a shame that the building is sitting there stagnant and empty. In light of activity they have going on in the City, a lack of recreation for young people, a facility of that size shouldn't be sitting like that. He likes bright ideas, so he invited some individuals here. The Avenue D Boys Choir representatives are here and would like to express their interest in the building. They might be arguing at the wrong forum, he explained that to them earlier; but maybe they can move toward trying to make something happen.

**Mr. Larry Lee, Jr.**, 7936 Saddlebrook Drive, said he is a member with Mr. Hendricks of the Avenue D Boys Choir. They don't have enough activities within their City. As he understands it, the County provides all the recreation facilities for their City.

Mayor Benton said they have been in the past. Slowly it appears the City is taking on some of this.

Mr. Lee said he thinks this would be an excellent place to get a little bit more involved in youth activities. Gang violence, the Chief has been doing a fantastic job with that. But he can see some partnerships that can be created with the Fort Pierce Police Department over there and some other entities such as the Avenue D Boys Choir that could bring wholesome activities for

their youth. The ballfield and the gymnasium, there are so many things that the facility can be used for. He would encourage them to give that some thought. Not just for the Avenue D Boys Choir, but there are other groups too. There is an Avenue D Girls Choir now that could also use that facility. It is a pretty large facility.

Mayor Benton said a lot of kids could go to through that facility in a week like they used to. Mainly it is pushing the County, because he thinks the County has been given a snow job on it.

**Mr. Earl Hendricks** said they are expanding the activities involving the Avenue D Boys Choir and the Avenue D Girls Choir. They would be including things like drama. They also would be expanding it to do some transitional things for the young men who have graduated from high school and are now in college. They want to be preparing them to know how to do things like prepare a resume, go out for interviews, balancing their bank books, those kinds of things. They will be expanding the Boys Choir to do for these young men. The YMCA facility is a perfect facility for them. They could use it seven days a week, they would have activities there every day, and they would have that place jumping with young people using it. They have 62 girls right now in the girls choir. They have 45 boys who come regularly to the boys choir. In the five years of the Avenue D Boys Choir, they have been moving from place to place to place trying to find a facility to accommodate them. It is something they really ask them as leaders in their community. The Avenue D Boys Choir has been an excellent ambassador for this City and will continue to be, that is one other things they have stressed from the beginning. They ask for their help in finding a facility like that where they could accommodate their activities. They promise when they give them such a facility, they will take care of it. And the results will be beneficial not only to the City, but to the entire County and to the Nation, he really believes that.

Mayor Benton said they have already proven that, the Avenue D Boys Choir. He is sure the Avenue D Girls Choir will in the future.

Mayor Benton said let's get a letter off to the County. Whatever backup they need, like legal issues, let's support them with everything they can.

Commissioner Coke said back in October, Mr. Lass said he would be presenting a strategic plan to the City. She hasn't seen one. She doesn't know if any of them have.

Mayor Benton said he hasn't seen one. Since October, he believes Mr. Lass has been in to see him once, but the conversation went nowhere. He guesses Mr. Lass spoke to the County, because the County is the landlord and the City doesn't matter. Their children matter. And he thinks it is really sad to see a facility like that not being used when he bets there are literally thousands of kids within a quarter of a mile of that facility.

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The next item on the Agenda was Commissioner Coke discussion on sending out a Request for Proposals (RFP) for an Insurance Consultant.

Commissioner Coke said she has been on this insurance kick for seven years now, so there is no reason for her to get off of it now. She was very disheartened when they had their last Budget Workshop (April 29, 2009). They have two different types of health insurance plans, one is a simple plan and one is a big upgrade. For however long they have had this differential, they have never charged for the upgrade, they offer it all free of charge to the employees. Now it is being proposed from their Consultant that they should be charging for the upgraded policy. That should have been proposed by their Consultants from day one. If the City is going to offer this policy and there is an upgrade, that is fine and many of them would opt for it. However, it should have always been a cost to the people who take the upgrade, not to the citizens and the taxpayers. They talked about the money they saved from being self-insured to Blue Cross. When she crunched the numbers, they are including the money they charge the employees as an increased part of their dependent health care as part of their savings. It is not their savings. It is what the Commissioners did here to facilitate their City being more fiscally sound. She is looking at the charges that they were charged by the Consultants last year in excess of \$30,000. That is the cost of a City employee. She has big problems here. She thinks they were offered too little too late from these people. She has talked to at least two other insurance consultants. One is a local firm who tells her that there is absolutely no consulting fees. They have a local office, they will provide weekly meetings for their employees, they will annually analyze their insurance and make recommendations, they have market leverage and negotiating powers, and they are a certified minority company. At least one of them told her they don't even need to go out for RFP. They handle several other organizations. It is as simple as sending a letter to Blue Cross/Blue Shield saying they would like to change their agent and immediately that \$30,000 cost would go away. Her concern is not only does she not feel they have gotten what they should have received from these consultants all along in the way of money saving issues for the City - charging way too much for consulting fees, not advising them right up front they should be charging for the differential in the plans - but now today she is reading specifically on the Consent Agenda item that they have managed to save them more money. Well, they have managed to save them more money because they are cutting way back on the benefits they are going to offer their employees if they accept this proposal under the Consent Agenda. She has a big problem with that. She feels bad they had to raise the employees percentage of dependent health care, but to raise the employees cost and then give them less of an insurance policy that is going to cost them more in every day expenses, it just seems to her to be irresponsible. She thinks they should issue a change of agent letter today and change their agent. If not that, at bare minimum, she thinks they need to go out for a Request for Proposals for a new agent.

Mayor Benton said he agrees on the insurance. If they were to approve this contract with Blue Cross tonight, they couldn't buy in to the clinic that the County is looking to open up. He doesn't know the status of that, but he thought they were going to put a lot of effort into that. His understanding is the City would have to be self-insured. He would like to have some details on that, if that is a cost savings. It appears it was to Port St. Lucie. The City has 30,000 square feet of office space in the parking garage building. They need to be looking at all their options. He doesn't think that is the case. He thinks they heard some options. But automatically it is on the Consent Agenda, so that is not going to happen this year. He would like to hear other options himself. He would like to know more about the clinic.

City Manager Recor said Staff is following up on the clinic idea. Port St. Lucie has some experience, about a year he thinks. The County is also considering it. He has talked to Jim Gabbard in Vero Beach. Sebastian is also evaluating it. So there are a number of jurisdictions here locally on the Treasure Coast that can share their evaluation and experience.

Mayor Benton said they had that discussion back in November or December months ago. And now all of a sudden, if they approve this contract tonight, that leaves them out for another year. He doesn't know how soon the County is looking to open their clinic, but he would like to be partners with them or at least this Commission being educated about it so they can make an educated decision. But it appears it works very well in Port St. Lucie and it has saved them a lot of money. They should really have the update on that as soon as possible, where the County is and how soon they are ready to open their clinic and if the City can be a partner in that. And maybe the City should be looking at self-insurance once again.

Commissioner Coke said the other thing she thought was timely with this is, if they don't have a contract with a Consultant, if they change consultants and then if they cancel their insurance policy to go back to being self-insured, then they automatically wouldn't need the other agent who is not married to a year long term with them. They have said openly that if they sign the letter today, the first of next month they can terminate their agreement with them.

Ms. Gloria Johnson, Director of Finance, said the thing is, their contract is up with Blue Cross/Blue Shield, and their employees will not have insurance as of July 1st.

Commissioner Coke said what she was saying is, there are other consultants out there. By Mr. Recor sending a letter requesting a change of agent, they could be changed by June 1st. They would charge them zero. They represent many large municipalities in the area and they could immediately give them some recommendations whether that was the right way to continue or if they could make some changes. It was also her understanding that Blue Cross said at their last budget workshop that they could renew on a month to month basis for a temporary time frame until they knew where they wanted to be.

Ms. Johnson asked even with their insurance contract, do they not have to go back for RFP's if they are going to just let them select an insurance company without going back out?

Commissioner Coke said she doesn't think they would select the insurance company. They would bring back recommendations and other things. Every single year the insurance consultant for her little tiny company charges her zero for managing it because they get paid a commission from the insurance company. So they charge her zero for managing it. And for her little company, she gets a booklet that has way more information than she wants every single year, comparing rates and different companies and everything else. By the way, none of the consultants she spoke to are consultants she personally does business with or her business does business with. She is just going on the record with that.

Commissioner Becht said they have all hit on a couple of different topics, so they are bouncing around a little bit. The Mayor's good idea, which was having the clinic located in that 30,000 square feet... In a conversation he had with Chief Parrish this morning, the County has advised the Fire District that they are not interested in renting space from the District. They are willing to buy it, but they don't want to rent it. The County has the old Sam's building on U.S. #1 that they are also exploring is what he has heard. What he has also heard is that Port St. Lucie's experience with the clinic program, it depends on who they talk to. They get a glowing report from one of the Council members and they get a less than glowing report from another Council member. He is kind of cautious about what PSL's real experience has been until they see some real numbers that are verifiable. The Fire District had made a decision - he is not saying this is appropriate for the City or not appropriate - but the analysis done by the Fire Union as reported back to him is, they opted not to go with the County because they felt like they would be asked to pay a fair share, but they were not sure they would get a fair share. The City of Fort Pierce is a bit smaller than the Fire District. He thinks the District now has about 450 employees and the City has roughly 400 employees. So the City would be in a more vulnerable position vis a vis the County and the clinic. He still would like to have an intelligent analysis by Staff of what it means, where can they save money, will they save money, and what kind of up front investment. If the County pursues what it has proposed, they are going to drop close to \$2.5 million before they hire somebody to operate the clinic, that is before salaries for the first year. So if they were looking to be a part of that, Fort Pierce is going to have to go to the table with a check. So he is not sure how well that is going to work for the City. Back to the Agenda Item, or narrowly what he thought Commissioner Coke was trying to get them to talk about, he is willing to consider any alternatives. He has his concerns about the City paying their Consultant straight up and someone else earning a commission. If the different companies have different commission structures, they could get steered by a broker to a less than desirable health insurance company because the broker gets paid more money.

Commissioner Coke said she would venture to say their consultant now gets the same commission, they just charge the City these rates on top of that.

Commissioner Becht asked is that true? Is the Consultant getting a commission and charging the City \$30,000 a year?

Ms. Johnson said no. They have a broker. With Blue Cross/Blue Shield, their broker is Crown.

Commissioner Becht asked is Siver associated with Crown?

Ms. Johnson said she thinks the agencies that Commissioner Coke is referring to, it sounds like they are brokers. The City does have a broker with Crown. Siver is their Consultant. They pay Siver based on the services they provide on an hourly basis. They usually do the analysis when it comes to these brokers bringing in their proposals. They analyze the proposals and so forth and give their recommendations. They also manage their risk insurance portfolio.

Commissioner Becht asked what happens if they don't approve the Consent Agenda item (Contract with Blue Cross) tonight?

Ms. Johnson said that is for the insurance for their employees. If they don't have a contract to sign, they won't have insurance for employees come July 1st.

Commissioner Becht said he heard June 1st thrown out.

Ms. Johnson said the problem is that there are a lot of preparatory things they have to do. They have to send out notices to their employees, they have to notify them of the changes.

Commissioner Becht said if they change.

Ms. Johnson said right, if they change.

Commissioner Becht said let's not go down that path yet. If he just wanted to delay the decision for two weeks while they gather additional information, then they decide to go with what the recommendations are at this time, can he still get that done by July 1st?

**Ms. Cathy Gordon**, Siver Insurance Consultants, said if they decide in early June, she thinks Staff can do a rush job of getting the enrollment process done and making the changes for July 1st.

Commissioner Becht said that wasn't his question. All he wants to do is pause and gather more information to make a more informed decision two weeks from now. He wants her to assume that decision is that they are going to go with what Staff's recommendation is, as contained in the Consent Agenda item. What is the problem with waiting two weeks?

Ms. Gordon said they would just be a little more rushed, but that would be all.

Commissioner Becht said he doesn't mind rushing Staff. But if they change, that he can see as being a real serious problem with re-identifying 400 employees with a new company, he can see where that is going to be a major headache. But that would be only if they changed.

Commissioner Coke said they can change consultants without changing insurance companies.

Commissioner Becht said correct, and he appreciates what she is saying with that. But he is not at the point yet where he doesn't know that Siver might not be giving them the best advice because he doesn't have the comparison information. What he is trying to do is make sure that they maintain their options with the clinic or whatever else they want. And if they could make that decision when all of them have the information gathered firsthand and verified by Staff, that what she has already learned is an accurate representation of what can happen, that there aren't any wrinkles hidden in there that they haven't been told about, that is what he would like to do first. He is just trying to make sure he gets all the questions answered. He doesn't have the information in front of him to make the decision to not go forward tonight. He thinks he risks something if he doesn't go forward.

Mayor Benton said they have time.

Commissioner Alexander asked why don't they have this information? They had a workshop and they had the same concerns then. They are waiting on the same information they requested now?

Mayor Benton said these folks that Commissioner Coke is talking about came to visit him twice months ago. They were supposed to sit down with the City Manager. So he was hoping they would have some options.

Commissioner Alexander said he was trying to figure out what direction was given to Staff at the workshop. He thought it was in the same sense they are speaking of tonight, to come back to the Commission with an option. Now they have a dilemma where they don't have an option. They are going to overwork Staff just to get something done? He doesn't know where they dropped the ball.

Ms. Johnson said she thinks what happened at the workshop is that they were looking at some way they could control costs. They were looking at a huge increase if they kept that policy as it was. They were trying to come back with something that was going to make it... This is what she assumed, the Commission was willing to go with the 2.8% increase as long as there was some cost savings. At the time she thinks they also noted that there were going to be some policy changes if they were to go with the 2.8% increase. She thinks that is what they came back with.

Commissioner Coke asked can Ms. Johnson tell her why it was never brought to this Commission that they were offering a basic plan and a Cadillac plan above it, and it was never suggested to this Commission that the employees should be charged the difference between the regular plan and the upgraded plan?

Ms. Johnson said this plan has been in existence for years. They have had these two plans.

Commissioner Coke said she understands that, but that is not her question. If they look at the proposed Contract with Blue Cross (on the Consent Agenda), however many thousands upon thousands of dollars it is going to save the City on insurance by charging for the upgrade, why was it not brought to the Commission in the past from day one that if there is an upgraded policy, the upgrade should be charged to the employee? Is that not part of what they pay Consultants for?

Ms. Johnson said she thinks what has happened in the past is that they have always provided insurance for their employees. And now it has gotten to the point where it is not cost effective any more.

Commissioner Coke said let her try to ask her question a different way. She understands that the City has always provided insurance. It is her intention and she believes everyone's intention here to continue to always provide insurance. She also understands that between the base plan and the buy-up plan, there is almost \$100 difference, and for an employee with a family, there is a \$300 difference. That is monthly. So for every employee that took the buy-up plan, the taxpayers of this City paid an additional \$100 a month for however many years without charging the employee. Either the Finance Department or the Consultant, someone should have been saying they are giving an inequitable benefit here. This should be the benefit; and if someone wants more, there should be a charge for it. Why was this Commission never informed of it and whose responsibility was it to inform them?

Ms. Johnson said she thinks what it is, they have always had these plans. If the employee wanted the preferred plan, they paid more for it if they had dependents. It was always the dependent coverage, it was never the employees. The City has always provided coverage for their employees. And no matter what plan it was, they have always done that.

Commissioner Coke said she understands that. And her questions is, why? The City should be providing the base plan. Now they have this big recommendation they are going to save all kinds of money by charging for the buy-up plan. Whose responsibility should it have been to say that for all these years they have been providing the buy-up plan with no charge? Let's say at minimum it is \$1,200 a year per employee times however many employees they have. Someone should have been responsible enough to say that is not a fiscally responsible thing to be doing.

Ms. Johnson said they are looking at her now. She is the one who is saying they should be charging.

Commissioner Coke said no, she is looking at the consultants, because that is what they pay them for is to make recommendations. And now they have come up with this wonderful recommendation.

Ms. Johnson said she thinks maybe it is a consensus between the two of them, they were trying to get something that is more palatable. What she is trying to say is they are still trying to give benefits to their employees; but if they want extra, the employee should have to pay for it. In the past, it has never been that way. It is probably more management than anything else too at the time.

Commissioner Coke said maybe at their next meeting Ms. Johnson can give her the exact dollar figure that the City has spent over the last five years for the difference between the base plan and the buy-up plan.

Commissioner Alexander said he thought at the workshop it was driven about the insurance because they weren't receiving the same insurance they had prior, where the insurance company was dictating what medicine they take. Not only did he have a problem, he thinks Mr. Recor had a problem. He thought that is what was driven to them to question the insurance. Not only did they find out in questioning that it is going to go up for the employees, because they are not going to get the Cadillac plan versus the basic plan. That is what he has a concern about. A good healthy employee is a benefit to the City, because not having a healthy employee here is costing the City. They promised them the same coverage they had prior. They did not receive that. Is he wrong in this assumption? A doctor recommended something and they are going to tell him...

Commissioner Coke said worse than that, the proposed plan they want them to adopt takes their per visit from \$25 to \$35, the in-network cost for ambulance service will change from zero to the deductible plus 20%, the hospital facility will change from \$200 to the deductible plus 20%, the radiology will go from \$50 to \$100, the \$200 wellness annual maximum will be waived, they are charging for pathology/radiology from \$50 to \$100 change for the deductible. They are looking at charging their employees 10% more for dependent health care and giving them a much lesser policy. The savings they are actualizing from charging them more is being credited to savings from insurance, not credited to the fact that this Commission made some fiscally sound decisions.

City Manager Recor said he and Ms. Johnson had a chance to talk about the difficulties that a number of their employees, including himself, experienced with the Blue Cross/Blue Shield plan. What his understanding is, last year and in previous years they were self-insured. The plan that Blue Cross/Blue Shield sold them was indeed a plan that mirrored their coverages as they have had in previous years. The difference was where there were questions about whether medications would be filled,

or whether or not the City would pay for an out-of-network doctor. Those decisions were made by the former Finance Director. In most, if not in every instance, they said yes. But in order to manage costs, Blue Cross/Blue Shield hasn't been as flexible. They lost that flexibility in having Ms. Johnson manage their plan on a day to day basis, but rather Blue Cross/Blue Shield has been managing those decisions. The City, being self-insured in previous years, they had that flexibility to override on a day to day basis. Is that accurate?

Ms. Johnson said yes. In certain instances, they did have the capability of saying yes, go ahead and fill it, or go ahead and do this. Maybe it wasn't the right thing to do, but they did have that flexibility since they were self-insured.

City Manager Recor said for as long as he can remember in his four or five years here, they have always offered the employees the two levels of coverage. Somebody's personal circumstance may be different where they have a doctor they need to see that may be on the low plan as opposed to the high plan. It was presumed from the Staff's part that the Commission had that understanding, that they were aware of that. In their effort to contain and to reduce costs, now they are pointing out that they have these two different levels of coverage; and if the employee elects for the low coverage, that they should bear some financial responsibility for that. The days of the City being able to fund 100% levels for either plan, they need to evaluate some alternatives.

Commissioner Coke said with all due respect, the only way she can think to say this is, in other words, while the City had money they spent like drunken sailors and did whatever they wanted with no sense of being fiscally responsible. Because to give two different benefits to equal employees, first of all the labor law is going through her mind.

City Manager Recor said the employee elects. The City didn't dictate to the employee.

Commissioner Coke said somebody at the City should have recognized the fact that they are spending the taxpayers money, so if they are offering a base insurance plan - and they all want to offer insurance, that is a wonderful thing to do - but to offer the upgraded insurance plan that costs the taxpayers a minimum of \$100 per month per employee at no charge is not fiscally responsible.

City Manager Recor said he feels her passion. He understands her argument. That is why this administration has brought this to their attention. This is yet but another cost saving measure. It is not going to be popular with the employees. It is not popular with the Commission obviously. He understands her frustration and that is why they brought it to their attention as a potential alternative.

Commissioner Coke said back to the Agenda Item, let her ask if it would be acceptable to this Commission if the several people who have contacted her, allow them to put together their

packages and proposals, and contact each of the Commissioners and the City Manager, to see if there is in fact a minimum of a \$30,000 cost savings for consultant fees and possibly some other savings to them, and bring it back at their June 1st meeting.

Mayor Benton said he would agree. He thinks they need to look at their options.

Commissioner Sessions said he agrees too. They need to weigh all their options. He just wants to make sure they don't jeopardize not having any coverage. Keep in mind, they have a July 1st deadline here, if they are going to ask for a continuance in coverage. But certainly hearing from several employees, there have been several complaints with regards to the present coverage they have. He feels they should evaluate, from his standpoint anyway.

Commissioner Alexander asked do they know the cost is going to be for insurance coverage for a year?

Commissioner Becht said \$4.3 million.

Commissioner Alexander said he doesn't think any insurance company is going to turn that away for a couple of weeks extension. He agrees with Commissioner Coke.

Mayor Benton said let's see what they can get as soon as they can get it.

City Manager Recor said they will have another budget workshop prior to the next Commission meeting, so they may be able to include that on the Agenda for further discussion.

Mayor Benton said as soon as they do get some information, please get it out to all of them, all the details. One thing he never sees is prescriptions. They put a lot of information in here, but what hit him and hit some of them was prescriptions - some were paid for before and now they are not paid for.

Commissioner Coke said the proposed change in the renewal of the insurance policy with Blue Cross almost doubles the prescription cost.

Mayor Benton said they end up not knowing which prescription until they get the plan and then they have to go on line and figure out each medication has a different...

City Manager Recor said that has been a real difficulty for a number of their employees.

Mayor Benton said someone has an illness and there are two medications they are supposed to take, one is under the plan and the other isn't. He thinks they should look at their options.

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The next item on the Agenda is City Engineer update on A1A Construction Project.

Mr. Jack Andrews, City Engineer, said they continue with the

construction of the two phases of A1A. They are wrapping up Phase III, which goes from Gulfstream Avenue down to Blue Heron Boulevard. The final asphalt should be going on next week and they are finishing up the landscaping. That section is really turning out nice. Phase IIB, which is near the Harbour Isle Roundabout, they are proceeding with the utility relocations, they have that about wrapped up. Installing drainage, that is moving along right on schedule. At the last meeting the Commission had asked about possible funding for the shortfall of the roundabout construction, how they could go about doing that. He went ahead and requested that they be placed on the TPO Agenda to ask them for the balance of the shortfall. It will be on the first meeting in June to request that formally.

Mayor Benton said he has a concern, if Mr. Andrews could pass it on to the Engineer in charge of the project out there. A lot of the areas when they dig them up, like the entrance to Harbour Isle and other roads, they do a better job fixing than the entrance to Bayshore Boulevard. The other day the water was out, but for the last week there is this huge pothole there. The pipe must still be leaking water, because the water has been there a week. He has a 4-wheel drive, he can get through it. But tonight it was a real difficulty for a lot of smaller cars, a lot of people at Seaway Plaza. If he could get them to put the temporary patch on it and fix that intersection as soon as possible, he would appreciate it.

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The next item on the Agenda was Marina Manager update on permitting for City Marina Expansion.

Mr. Ed Seissiger, Engineering Project Coordinator, said since the last update, they have submitted a response to RAI #5 (Request for Additional Information) to the FDEP (Florida Department of Environmental Protection) and a response to RAI #6 to the Army Corps of Engineers. With FDEP they are down to UMAM's (Universal Mitigation Assessment Method) basically, how they are scoring their mitigation requirements. Today there was a site visit with FFWCC (Florida Fish & Wildlife Conservation Commission), the Army Corps of Engineers, and FDEP doing a site visit looking at seagrass beds and such at the Marina. They are awaiting a response back from FDEP and that should be later this week according to their deadline. Unfortunately with the Army Corps of Engineers there is no reporting deadline for them back on that. But they are working forward to still maintain being in front of the Governor and the Board of Trustees the end of July to hopefully get their permit from FDEP. Once that happens, the Army Corps should follow suit.

Mayor Benton asked the meeting he had today, was that the one he was looking to have with them and he was having a difficult time with?

Mr. Seissiger said actually it wasn't a meeting with them. It was under concerns they had brought forth to the agencies on how they were coming about their required mitigation and how they were scoring their projects for mitigation, which was all over the board. And for being a uniform method, their numbers were not close, so they asked them to go back and readdress it. They

were on site diving doing that. They are working forward with that. Everyone is trying to be on the same page.

Commissioner Sessions asked in light of the Army Corps of Engineers not having a deadline, his going to Tallahassee before the Governor's Office, is that something to try to expedite it?

Mr. Seissiger said as far as permitting process, the Army Corps will not proceed forward without the City receiving a Water Quality Permit from the FDEP. That is the first step. They are still trying to maintain their timeline of this summer getting that Notice of Intent to issue that permit from FDEP in July. Once that happens, then the Army Corps should follow suit. They are looking at it being approximately two to three months behind.

Commissioner Sessions asked when are they going to lift the first shovel?

Mr. Seissiger said he would not venture to guess. There is a basic timeline in their Agenda package. If they make this meeting at the end of July, he thinks they could probably be ready to do something in the late Fall.

Commissioner Coke asked how long is the construction?

Mr. Seissiger said they are looking anywhere from 13 to 18 months. They haven't tied that down. It all depends on what kind of constraints they are going to give them during the construction phase. Those will all be issues that are brought up in each of their permits.

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

Commissioner Coke said she would like Item #18b (Public Funds for World Harvest Eagle Ministries), Item #18d (Maintenance & Support Agreement with Motorola Inc.), and Item #18i (Contract with Blue Cross Blue Shield) removed for discussion.

Commissioner Sessions said he would like Item #18j (DROP Plan) removed for discussion.

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

a. Set date of June 1, 2009, for Public Hearing on Application for **Certificate of Public Convenience & Necessity** submitted by Jules Pierre for two passenger vans from 2000 Avenue Q.

c. Approve Change Order No. 1 to contract with Wantman Group Inc. in the amount of \$42,745 for **NRCS Emergency Watershed Protection Project** (Virginia Avenue Outfall Canal and Mayflower Canal Stabilization adjacent to 1704 Wyoming Avenue). Ref RFQ No. 5833, Purchase Order No. 091163

e. Approve purchase by Police Department of 15 **Panasonic**

Laptops from Insight Public Section and 15 Mounting Trays from D&R Electronics Company Ltd. in the amount of \$33,665. (Funding from JAG Edward Byrne Memorial Grants) Ref City of Tuscan Contract #073103

f. Approve submittal by Police Department of an Application to the Florida Department of Law Enforcement (FDLE) for funding totaling \$292,938 under American Recovery & Reinvestment Act of 2009 - Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

g. Authorize demolition of the Old Clubhouse Building at Indian Hills Golf Course by LEB Demolition in the amount of \$20,000. Ref P.O. #091562

h. Accept number one ranked respondent, Nature's Keeper Inc., as the unit price contractor for the City's Landscape & Irrigation Improvements. RFP #5897

k. Approve Request for Leave for City Manager Recor from June 4-8, 2009.

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The next item considered was Item #18b, which had previously been removed from the Consent Agenda: Application for Public Funds in the amount of \$1,000 submitted by World Harvest Eagle Ministries for advertising a Community Dance Event on June 3-7, 2009.

Commissioner Coke said she is not quite sure how this item is on the Consent Agenda. They are requesting \$1,000. However, they have \$300 left in that line item.

City Clerk Steele said the lady who prepared the Advertising Account sheet already put them on there with their \$1,000. It will leave \$300 in the account if they approve this.

Commissioner Coke said the next group that comes will be told that there is only \$300 available. After that everyone will be told there is no more applications for this year?

City Clerk Steele said that is correct.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve Public Funds in the amount of \$1,000 to World Harvest Eagle Ministries for advertising a Community Dance Event on June 3-7, 2009.

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

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The next item considered was Item #18d, which had previously been removed from the Consent Agenda: Approve FY 2009 Maintenance & Support Agreement for the Police Department Report Management System (RMS) from Motorola, Inc. in the amount of \$121,833. Ref RFP 5311

Commissioner Coke said her concern is, the original agreement

was for three years which expired September 30, 2008; and they are looking to extend this from October 1, 2008 through September 30, 2009. They are already way into this agreement. It expired eight months ago and they are looking to extend it now?

Chief of Police Sean Baldwin said they actually have been in negotiation with Motorola. It has been a painful process for them. This includes the cost of upgrading the software so they keep the current versions so they can continue to provide support for them.

Commissioner Coke said she is not as concerned about the money as she is about the fact that their contract with them expired eight months ago and she doesn't know if it went out for RFQ or RFP or... Let's say no, they aren't going to approve it. Now they can take that \$121,833 and divide it by 8 and say they will approve it from June 1st through September 30th and they will pay for the last four months of the year. Her point is, a contract should be negotiated and entered into, and proposals submitted prior to the last contract expiring. Would if they say no?

Chief Baldwin said he absolutely agrees. But if they say no, they lose their support. This is the software system that keeps their officers running in the middle of the night, so that is not an option for them. They did play the card she suggested, which they just won't pay for the first half of the year. That is the reason why they got a tremendous discount on the upgrade.

Commissioner Coke said she wasn't really suggesting that. She was suggesting that they need to do things in a more timely fashion. If this expires, it should be brought to them a couple of months prior to, so if they have other options they can explore, they can do that. She certainly is not going to shut down his software. But she would suggest since this is going to expire September 2009, maybe they should start looking at what they are going to do October 1, 2009 now, so they have something in front of them so they can make an intelligent informed decision. It is not like their back is to the wall, and if they say no, they are going to cut off their computer system.

Chief Baldwin said that is already being done.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve FY 2009 Maintenance & Support Agreement for the Police Department Report Management System (RMS) from Motorola, Inc. in the amount of \$121,833.

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

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The next item considered was Item #18i, which had previously been removed from the Consent Agenda: Approve one year renewal of Contract with **Blue Cross Blue Shield** for the City's Group Medical & Prescription Coverage for July 1, 2009 to June 30, 2010, per recommendation by Siver Insurance Consultants.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to postpone consideration of Contract renewal with Blue Cross Blue Shield to the June 1, 2009 City Commission meeting.

Commissioner Coke said she is requesting it not be a Consent Agenda item, but a Regular Agenda item.

Commissioner Becht said he agrees. They are expecting some feedback from Staff when this comes back?

Commissioner Coke said absolutely.

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

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The next item considered was Item #18j, which had previously been removed from the Consent Agenda: Authorize and direct the City's Retirement Board to: (1) Conduct an Actuarial Study to determine financial impact of adopting a **Deferred Retirement Option Plan (DROP)** for all employees participating in the General Retirement Fund; (2) Evaluate and make recommendations for implementing a DROP; and (3) Submit draft ordinance for adoption of a DROP for consideration by City Commission.

Commissioner Sessions said the reason why he pulled this item, not that he is in criticism of it, he thinks it might be a very good cost saving measure, but he doesn't want them to get into a situation where they have double dipping. That is what has been said from a lot of critics about the DROP programs, that there is a lot of double dipping individuals who go out and retire and they come back as full time employees. They don't want that to happen, the kinds of things that go on over at the Utilities Authority. That was a concern of his, that if they are in fact going to explore this, that they have some type of measure in place where individuals who retire off this DROP Program don't come back as full time employees, because that defeats the whole purpose.

Commissioner Coke said she appreciate that. At the Retirement Board before Commissioner Sessions was seated on there with her, they had major discussions about several organizations that were allowing people to retire and then hiring them back as contract employees, which became a double dip issue. The Retirement Board felt that the DROP prevented that, because once the employee retires, the entity is no longer paying into their retirement and they then have a definitive retirement date. So they are not actually collecting their retirement benefits, it is going into a separate pot and they have already a pre-determined retirement date. Because a lot of the concerns with the DROP Plan were, if they allow somebody to retire and continue to work, it limits upward mobility. This would in fact prevent that. And they are not getting their retirement pay while they are part of this plan. Also the City or the Utilities Authority or the Police Department would not be paying in anything towards their retirement.

Commissioner Alexander said he thought he read that the State

had implemented something to make sure they don't continue as such.

Chief of Police Sean Baldwin said obviously he is not a legal expert here, but he has done a little bit of research. The Fort Pierce Utilities Authority has the DROP plan. He believes what they are looking at here is doing exactly the same as what the Fort Pierce Utilities Authority employees have. Currently the way their ordinance is written, it prevents somebody from coming back and double dipping. It is good that the public hears they don't have the same loophole that the State has in their retirement system that allows somebody to retire for six months and then come back to work and start like they never left and draw both their retirement, what they got out of the DROP, and another salary. He thinks they are better suited to prevent the double-dipping. In fact, he thinks the way their ordinance is written now, it is just outright illegal for it to happen.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, to authorize and direct the City's Retirement Board to: (1) Conduct an Actuarial Study to determine financial impact of adopting a Deferred Retirement Option Plan (DROP) for all employees participating in the General Retirement Fund; (2) Evaluate and make recommendations for implementing a DROP, and (3) Submit draft ordinance for adoption of a DROP for consideration by City Commission.

Commissioner Becht asked they are going to have the study done that determines what the fiscal impact is of this DROP Plan on the City, is that correct?

Ms. Gloria Johnson, Director of Finance, said yes, that is correct.

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

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Commissioner Coke said tonight Mr. Furst talked about taxes and the effect it is going to have on the FPRA. She is wondering if it would be appropriate to get an updated report on where they are with the **expansion of the FPRA** at the next FPRA Board meeting or City Commission meeting? She thinks that will be instrumental in the survival of that organization and its ability to function.

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Commissioner Alexander said they had the ribbon cutting at **The Oaks at Moore's Creek**. This community came together in one accord, people were so proud. The Mayor and Commissioner Coke were there and they all had an opportunity to see it on their own. He is so elated that they were able to do that for the community. He understands that is just the first phase. So he wants to put it on the record that there will be a second phase.

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Commissioner Alexander said he received a notice on the **LDR Rewrite**. He reads and comprehends, but he didn't know what they were rewriting over. Each item there should be some indication whether it is a new item or what. How are they going to deal with that? How is he going to know what they are rewriting if

he doesn't know what the actual was?

City Manager Recor said the LDR Rewrite is divided into modules. He thinks there are four modules. The module the Commissioners got he believes is the Administration & Procedures Manual. It would be nearly impossible to give them a strike-through/underline version, because they are comprehensively rewriting the development regulations. So the only things he should have in that module are what pertains to that particular subject. The second module may be design and improvement standards where all their development regulations would be.

Commissioner Alexander said he just didn't want to go into it blindfolded and sit there and read like he doesn't have anything else to do. He just wants to make sure what he is reading and comprehending is not going to be a line through it.

City Manager Recor said all of them at various times over the years have raised issues that they wanted to see changed. They just need to reach in that back pocket and pull those out and make sure it is in one of those modules. Primarily most of those are going to be in the design standards.

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Mayor Benton said they have a lot of semi's and trucks still **parking in the City Parks**. He believes it is illegal. A couple of them that do it, they don't even mind paying the ticket because they say it is cheaper. One of them is doing it three nights a week because his sister lives across the street. That needs to stop. They need to ticket these people. They have one parking in the boat ramp down here on Indian River Drive several nights a week, every week. So if the Chief could enforce that. People say they don't mind paying the ticket if they get one, but most of the time they are not getting one. They have been tearing up the new landscaping out there on the beach parks, like Bergalis Park. If they could enforce that law, he would appreciate it.

Chief of Police Sean Baldwin said there are a couple of issues in a couple of the parks with signage and marking. They are actually working through that with the Citizens Parks Advisory Committee and Public Works. What the Mayor is describing, the overnight parking in all of their parks is illegal, so they ought to be able to address that.

Mayor Benton said if they are doing it three or four nights a week, every week, it needs to be removed.

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City Clerk Steele said they may or may not have noticed there is a new item on the Agenda called Comments from the Staff. City Manager Recor requested a moment to make some comments.

City Manager Recor said he did ask the City Clerk to add this section to the Agenda. What he will do is reverse it, so the Commissioners are the last to speak at every meeting. There are occasions when he needs the input of all five Commissioners. Rather than make five individual phone calls and play phone tag, he thought it would be a good opportunity to have this on the Agenda as a means of followup on various items they have

requested of Staff as well.

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City Manager Record said he does have one topic tonight that he wanted to bring to their attention. He is just looking for a consensus before he spends any staff resources in evaluating the feasibility. They have been approached by property owners at the corner of Indian River Drive and Fisherman's Wharf. This property has been a subject of on-going Code Enforcement for some time now for very minor items - condition of a fence, overgrown lot. It is the lot at the corner of Indian River Drive and Seaway Drive. It is about an acre. The property owners have expressed an interest in entering into an annual lease agreement for \$1.00 a year with the City that would allow them to potentially use that lot for overflow parking for the Black Pearl boat ramp. They all know this property is adjacent to the property that the County currently owns that is used for overflow trailer parking. The question is whether or not under any kind of lease agreement the City would lose the taxes or be responsible for payment of the taxes, and is it worth their interest in pursuing that? So before he went down that road, he just wanted to see whether or not there was any interest from the Commission in evaluating that.

Commissioner Coke asked does he know what the taxes are?

City Manager Recor said about \$15,000 a year.

Mayor Benton asked is there a need for the property?

City Manager Recor said certainly there is a need for overflow boat and trailer parking out there. Also, it would address an ongoing code enforcement issue.

Mayor Benton said the City would have to take care of it.

Commissioner Coke said the City would have the cost of maintaining it and they would lose their property tax on it.

City Manager Recor said he thinks the maintenance costs of the property are going to be fairly minimal, particularly with the boat trailer traffic.

Commissioner Alexander said his concern is, Mr. Recor says there are minor code violations. If these are minor, why are they making such a big deal out of it? They are willing to lose \$15,000 a year in taxes and they are making an issue about it? He has been by the property, he knows exactly what they are talking about. It is about a fence. He thinks he asked this in a workshop one day, do they have an ordinance about fences? He was told no. Now why is it an issue if they don't have an ordinance about fences?

City Manager Recor said he thinks the property owners are a victim of the system here.

Commissioner Alexander said he thinks that property owner is fed up with the minor little insignificant piece of fence that is there that they are making an issue about. That is what he

thinks it is. He doesn't have personal contact with the property owners. He is just aware of that situation. Doesn't the County own a piece of property across the street?

City Manager Recor said adjacent to it.

Commissioner Alexander said he is talking across the street. So why don't they...

City Manager Recor said they did offer the property to the County and the County declined. He is not hearing a lot of love for this.

Commissioner Becht said let's break it down to bite sized pieces. What are the taxes to the City?

City Manager Recor said he doesn't have that number tonight. \$15,000 is the total tax bill.

Commissioner Becht said if it is \$15,000 total tax bill, then his guess would be about \$6,000. It is a vacant piece of property. If there was enough interest in it, then they could waive the City's portion of the taxes. But waiving \$15,000 for a vacant lot for some boat trailers at a time when they are hard pressed to balance the budget as it is, that seems like an awful lot of money for Friday and Saturday traffic for boat trailers. For just the City portion of that, he doesn't know if there is any interest for that or not. He is not even sure he is interested. He just wanted to put it in perspective that they could back off to just the City's taxes, which would only be roughly \$6,000 or \$7,000.

City Manager Recor said it doesn't give them any long-term control of the property. Obviously it is a very important piece in the redevelopment of that area. That is why the property owners aren't interested in any kind of long-term arrangement, because there are different ideas that continue to be floated about. He simply wanted to bring it to their attention.

Mayor Benton said he has no interest. The only time he sees that all the properties they have for overflow there are in use, especially with two lanes for boat ramps, is when they have some of these SKA Tournaments.

City Manager Recor said Memorial Day weekend, 4th of July, holiday weekends.

Mayor Benton said he doesn't think it is going to hold that many on that corner piece of property for \$15,000 they need right now.

City Manager Recor said okay.

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Monday, May 25, 2009 is Memorial Day Holiday in the City of Fort Pierce. All City Administrative Offices - with the exception of the Police Department Public Safety Services, the City Marina, and the Indian Hills Golf Course - will be closed. There will be no regularly scheduled garbage and/or trash collection on that

day.

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City Commission Budget Workshop on Thursday, May 28, 2009, beginning at 2:00 p.m. in the Fort Pierce Community Center, 600 North Indian River Drive, Fort Pierce, Florida.

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There being no further business, Mayor Benton declared the meeting adjourned at 8:32 p.m.

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Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

