

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 7:00 P.M. ON MONDAY, APRIL 4, 2005.

Mayor Benton called the meeting to order.

Reverend Warren Bennett, White City United Methodist Church, gave the invocation.

The Pledge of Allegiance was recited.

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

Mayor Benton proclaimed April 9, 2005 as "**Wynton Marsalis Day**". Darryl Bey was present to receive the proclamation.

Mr. Darryl Bey said he wants to thank the Commissioners on behalf of the Fort Pierce Jazz Society and Heathcote Botanical Gardens for their support and help with this project. On Saturday, April 9th the Mayor is going to present this proclamation to Mr. Marsalis. They seem to be putting their best foot forward to make him very comfortable and being very hospitable to him during his stay here in Fort Pierce. Again, thank you very much for supporting cultural arts in Fort Pierce.

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

Letter from Capt. Mario DeLudos, Martin County Sheriffs Office, commending Fort Pierce Police Officers David Cuti and Ralph Holmes for their concern and professionalism.

Letter from Wade Hornsby, Sunnyland Irrigation, in recognition of Kia Powers, Brenda Moore, and Jeanette Conlon in the City Clerk's office for their knowledge, helpfulness, and courtesy.

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

Commissioner Alexander said he would like Item 7b (Interlocal Agreement for Green Acres MSBU) and 7g (Change Order #1 to Contract with Dredge America) removed for discussion.

City Manager Beach said he would like Item 7h (Professional Services by LBFH for proposed South Ocean Drive Park Improvements) removed for discussion.

Commissioner Nelson said he would like Item 7e (Proposal by Tactical Technologies, Inc.) and 7f (Bid from Hayslip Landscape) removed for discussion.

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

- a. Approve the Minutes of the Regular Meeting on March 21, 2005.
- c. Approve travel and attendance by Commissioner Alexander to the 20th National Conference on Preventing Crime in the Black Community in Tampa on May 31 to June 4, 2005.
- d. Set date for Public Hearing on Application for Certificate of

Public Convenience and Necessity for Paradise Photography & Limousine Service, Inc. for the City Commission meeting on April 18, 2005.

The next item considered was item 7b, which had previously been removed from the Consent Agenda: Approve Interlocal Agreement between the City, St. Lucie County, and the Fort Pierce Utilities Authority for the purpose of providing potable water for the **Green Acres MSBU** (Municipal Services Benefit Unit).

Commissioner Alexander said just a point of interest. That is close to the airport, is he understanding this to be?

City Manager Beach said he doesn't know that he would categorize it as close to the airport. It is in the northwest area.

Commissioner Alexander asked west of 25th Street?

City Manager Beach said he believes that is correct.

Commissioner Alexander said his concern is and he is looking at knowing the problem they are having with the County, but he does have some concerns as far as questions for the annexation agreements. He understands in here the Utilities Authority is going to be insisting on those agreements. His concern is they are hands off on the airport area. This is pretty close to the airport. The airport is not but a couple of miles from 25th Street. Are they going to run into that problem with this?

City Manager Beach said he doesn't believe so. This is an activity that is generated by St. Lucie County. St. Lucie County works with the neighborhoods outside the City limits and sets up taxing units in an attempt to install their water and wastewater systems. He doesn't know if this is both or just water, but it is actually initiated by the County. One of the conditions they place on the provision of water is the annexation agreement. And this is one of several MSBU's they have done with St. Lucie County wherein part of the agreement is that the property owners have to sign an annexation agreement to come in. He thinks the difficulty they have had in relation to the airport annexation is different from the annexation of the residential areas. That is something of a particular concern to St. Lucie County. That same concern doesn't apply to the residential developments and properties they do not own outside the airport.

Commissioner Coke said just for a point of clarification, it is her understanding that the County's objection to annexing the airport was because it was, in the County's estimation, a serpentine annexation. It is not that the City has agreed not to annex the airport, but they have merely deferred that annexation.

City Manager Beach said that is a good point. The County's objection is not to their annexation agreements. They are willing to sign annexation agreements and they are willing to respect other people's annexation agreements. However, when it comes time to actually do that annexation, then they apply a different set of standards to it. They want to make sure it is contiguous, they want to make sure there is not some circuitous route that the City has taken to annex that property. So she is right. Those are different issues.

Commissioner Coke said just a point of clarification, the City has never agreed not to annex the airport; they merely agreed in their agreement last year to defer annexation of the airport.

City Manager Beach said that is correct.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve an Interlocal Agreement between the City, St. Lucie County, and the Fort Pierce Utilities Authority for the purpose of providing potable water for the Green Acres MSBU (Municipal Services Benefit Unit).

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

The next item considered was Item 7e, which had previously been removed from the Consent Agenda: Accept proposal from Tactical Technologies, Inc. for Audio Surveillance Equipment for the Police Department in the amount of \$25,574.96 (sole source). Bid No. 5480

Commissioner Nelson said his focus on this is in the area of being a sole source entity and a sole source purchase. They don't say anything, in his opinion, that justifies that. In that the equipment that was destroyed by the hurricanes, he wondered did they check with them and what was the inefficiency or the reason why they didn't go back to them and get like equipment? They say it is something that is the only known vendor that can provide the special equipment needed for the Crime Suppression Unit. They have some equipment that was used by somebody else at another time. Why is that equipment not still acceptable?

Chief of Police Eugene Savage said he can't answer that question because he is not an authority in the sole source procurement. But they were advised it was sole source based on the uniqueness of the equipment. Staff had checked to see if they could get replacement equipment from the same provider and could not at that time. It was determined through the Purchasing Department that it would be a sole source venture.

Commissioner Nelson asked who made the other equipment? Why did they not get it?

Ms. Gelencia Carter, Buyer for Purchasing Department, said according to what Chief Savage said, due to the fact that they couldn't get the product from the original manufacturer and due to the uniqueness of the equipment, that is how they labeled it as a sole source.

Commissioner Nelson said they had it from the initial manufacturer one time. Now they want it for a second time. What did he say is the reason why he can't provide it for the second time?

Ms. Carter said she doesn't know. There was a time constraint thing.

Chief Savage said he could not do it under the time frame that they needed it. It would have taken toward the end of the year. They use this equipment on a daily basis. So he could not fulfill the request.

Commissioner Nelson said they were in fact asked to bid on it and that is what they came back and said?

Chief Savage said they went right back to the original provider and they could not fulfill the request.

Commissioner Nelson said that is what the record will show under those circumstances, coming from reliable people.

Motion was made by Commissioner Nelson, seconded by Commissioner

Coke, to accept proposal from Tactical Technologies, Inc. for Audio Surveillance Equipment for the Police Department in the amount of \$25,574.96 (sole source).

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

The next item considered was Item 7f, which had previously been removed from the Consent Agenda: Accept lowest and best bid from E. T. Investments, LLC, d/b/a **Hayslip Landscape** for City Landscape and Irrigation Improvements for unit prices on a project by project basis. Bid No. 5496

Commissioner Nelson said his concern on this one is strictly monetary and a two year extended contract. They put out \$2,887,999.00 without discussion on it. And with all the landscaping people they have in the area, it just worries him to some extent. He knows other guys were talking about \$3.4 million and \$3.7 million. Can they give him just a little bit more in this area, why they need to spend \$2.8 million for landscaping? Why is it so high?

Mr. Hector Arias, City Engineer, said this bid is only for unit prices. They are not awarding millions of dollars. They are awarding the unit prices. When they have projects to be constructed, they will bring the projects here for the Commission to approve it. They are not approving \$2.8 million. They are approving only unit prices.

Commissioner Nelson asked how much do they have budgeted for this?

Mr. Arias said it depends on the projects.

Commissioner Nelson asked they have a global amount in the budget for this, right?

Mr. Arias said no. They have a CIP (Capital Improvements Program) that has all the projects listed that they are going to be building in this City, and every project will be coming to the Commission before they even do anything. That is the way they bid it in such a way as they can have somebody on board to go ahead and build these projects without going for bids any more.

City Manager Beach said the reason they see the quantities as they are is for purposes of comparison of prices from the different bidders. They have 44 different line item products that are bid. From this point to the future, until this contract is over, when they design a project, they will go to these quantities, and the price they will pay for this product is based on what each of those quantities say. The amount they see is simply an example for purposes of comparison of one bidder's price to another. They are not awarding a \$2.8 million bid tonight.

Commissioner Nelson said it is sort of, he guesses, like they do for their materials cost for doing the roads and all that.

City Manager Beach said it is exactly the same, yes.

Commissioner Nelson said he still wonders, are they putting themselves on the hook for a minimum of \$2.8 million.

Mr. Arias said no, they are not. They are approving the prices only - only the unit prices.

Commissioner Nelson said all right.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to accept the lowest and best bid from E. T. Investments, LLC, d/b/a Hayslip Landscape for City Landscape and Irrigation Improvements for unit prices on a project by project basis.

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

The next item considered was Item 7g, which had previously been removed from the Consent Agenda: Approve Change Order #1 to Contract with **Dredge America** for City Marina North Access Channel in the amount of \$198,718.06; and authorize Staff to request payment of \$198,718.06 from Taylor Engineering due to errors and omissions in their soil boring report.

Commissioner Alexander said he has a concern about when they have errors of that magnitude of \$198,000. Is Mr. Arias going to assure that the City will get their money back?

Mr. Hector Arias, City Engineer, said he cannot assure them anything, but he will tell them what happened. The City based the bid and the contract based on certain soil samples from the bottom of the river, and that did not show any rock. And when they started digging halfway to the Marina, they found rock on the river bottom. Now there is no way they can predict anything like this. He has already had a preliminary talk with the City Attorney and they are going to go for Taylor Engineering to compensate the City for that. The work has been done and everything is fine. They just did not count on that because Taylor did not provide the right information.

Commissioner Alexander said when they were speaking about having that channel redone, they were telling about their elaborate equipment that can determine whether there is underground cable and so forth.

Mr. Arias said they were supposed to do that. Taylor was supposed to tell the City what was on the river bottom and they said there was no rock, and when Dredge America started digging, they found rock. He will give them one example. When they did the Intercostal Waterway, it was found later that they had rock over there, but these people did not advise them of anything, they just found this later.

Commissioner Alexander said it is just a coin toss when they tell them there is no rock versus the sand.

Mr. Arias said yes. When they bid the project, they based it on the information provided by the consultant; and the consultant did not say anything that they were going to find rock over there.

Commissioner Alexander said so if the City is not assured they are going to be able to reclaim on that.

Mr. Arias said they have a pretty good City Attorney, so he is pretty sure.

Commissioner Alexander said maybe Mr. Schwerer can answer that. Because they did question them about when they were going into that river to show them where all the cables were underground. They said they were going to do some type of satellite imaging or something. Now they come up and find rock where there was no rock?

Mr. Arias said let him add something to this. It is not the same as to finding cable, finding something underneath the river bottom.

That is a totally different story. They can see the cable. They can see the pipes. But they are talking about something underground below the bottom of the river. He is not trying to excuse them, he is just trying to say that is what happened. Commissioner Alexander said let's listen to Mr. Schwerer if he has some assurance that the City is not going to have to eat this \$198,000.

City Attorney Schwerer said he was advised that there was a problem with the performance of this contractor. The City Engineer has advised him that according to the contract, Taylor should have discovered these conditions. They were hired specifically to do the mapping and the geological studies of the river bottom and tell them what was there. The City Engineer and his staff have determined that they have failed and were negligent in their work.

The City is going to make the claim and he will report to the Commission as to the progress of that when they have their response.

Commissioner Becht said before they make this payment, he is wondering if there is anything Mr. Schwerer would like to obtain from Dredge America. So if they are tied up, he doesn't have to chase them later for their favorable testimony in regard to that it is not their fault and that it is Taylor Engineering's fault. He doesn't know that Mr. Schwerer has had any time to think about that or not. But before they make payment, he would like for him to make certain there is nothing they need from them before they make final payment. He imagines they are going to need for them to come back.

City Attorney Schwerer said they will. And typically under the contract, this is money owed to the dredging contractor. Of course, it wasn't his fault for the conditions he discovered on the job. He was told what was there; and when he got there and he dredged, he found a different condition. It is his understanding that this increase is a cost to the dredging contractor who encountered the rock and of course the extra work to remove it. Their contracts typically require that they cooperate with the City to the fullest extent, and the City will most assuredly be in contact with them.

Commissioner Becht said he doesn't think he made himself clear. He thinks they are going to be more motivated to be cooperative before they get the final payment.

City Attorney Schwerer said they certainly would. But under the contract, the City really can't withhold the payment from them when it is due and owing under other terms; otherwise, the City might be in breach. He understands what he is saying.

Commissioner Becht said the assumption there is, what Dredge America is telling the City is that Taylor Engineering is the one who screwed up and not them.

City Manager Beach said no, that is not the case. The dredging company simply dealt with the circumstances that they found once they arrived on site. As it has been described to him, it is not something they did or didn't do. Think about the channel and how it is dredged there. The preparation for that was for the engineering company to go out and do boring samples throughout that right-of-way. They bored down so far to try to determine what the conditions were. Staff has no idea how they missed, there must have been at least 300 feet or more of rock in that one area, and they don't know how they missed it, but they did miss it. But it is through no fault of the dredging contractor.

City Attorney Schwerer said he thinks he understands Commissioner Becht's question. He thinks what he is asking Mr. Arias is, did the City staff verify that the rock was indeed encountered in areas where it wasn't supposed to be.

Mr. Arias said yes, it was. They have everything documented.

City Attorney Schwerer said they have everything documented, so they are not just hearing from the contractor that conditions existed, but they are...

Mr. Arias said they have everything documented.

Commissioner Nelson said they just about answered all his questions. One was in the area, does the City have legal rights to insist that the engineer made a mistake and someone other than the City should defray the costs associated with this. What did the contract say with regards to handling this issue? And if those questions are answered with the inquiry based on the other questions, then of course he thinks he will be happy. But it definitely needs to be looked into from the standpoint of the negligence on the part of the professionals, i.e. those who are not part of this staff, but the people they hire to do a job. They pay \$80 to \$150 an hour to give the City valid information. If it is wrong and does not comply with code or something they shouldn't find but did find, Taylor should be responsible for it, not the City. Another question would be in the area of what monies are they going to use to defray this cost other than FIND? Because that would be a request from FIND or whomever.

City Manager Beach said they actually have an application in to FIND for an additional \$500,000 to cover the cost of this dredging. However, until that is received, they are paying it from the Marina account.

Commissioner Coke asked did they have a performance bond posted by Taylor Engineering?

Mr. Arias said yes. He thinks it is \$1 million insurance also, liability insurance.

Commissioner Coke said then they do have a good likelihood of recouping this money.

Mr. Arias said he thinks so.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to approve Change Order #1 to Contract with Dredge America for City Marina North Access Channel in the amount of \$198,718.06; and authorize Staff to request payment of \$198,718.06 from Taylor Engineering due to errors and omissions in their soil boring report, subject to resolution of the questions and notations made by the Commission.

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

The next item considered was Item 7h, which had previously been removed from the Consent Agenda, Approve Specific Authorization #2 for Professional Services from LBFH, Inc. to perform Master Planning Services for the proposed South Ocean Drive Park Improvements adjacent to the State Road A-1-A reconstruction project in the amount of \$16,500 (funded by CRA).

City Manager Beach said he asked for this to be pulled from the Consent Agenda just for clarification. They have in parenthesis at

the end, it says: "(funded by CRA)". This may or may not be funded by the CRA. If it is, it is something that will be brought to them as the CRA Board. He is asking for their authorization to proceed with it this evening, and staff will propose any funding alternatives to the Commission at some other time. This is the contract that ties the A-1-A design to the beach access and the parks along the beach, so they would like to get this moving.

Commissioner Becht asked will they be asking Lindahl Browning to attend the Charrette?

City Manager Beach said he thinks Lindahl Browning is bringing on an architectural design firm to do this work; and yes, they would be part of not only the charrette, but part of this contract is to conduct additional meetings specifically with the community for discussion about this design.

Commissioner Becht said excellent.

Mayor Benton said he sees Mr. Donahue in the audience. South Beach Association had asked their Beautification Committee to have some input in this. So they could contact his office or Mr. Cahill, who is in the audience; and they can give them the names of those people.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve Specific Authorization #2 for Professional Services from LBFH, Inc. to perform Master Planning Services for the proposed South Ocean Drive Park Improvements adjacent to the State Road A-1-A reconstruction project in the amount of \$16,500.

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

Ordinance No. K-332 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING ARTICLE VII OF THE CODE OF ORDINANCES ENTITLED "**PERMIT FEES**"; AMENDING SECTION 5-267, SCHEDULE OF FEES FOR BUILDING PERMITS, TO ALLOW FOR FEE MULTIPLIER OF 0.010% AND AMENDING FEES FOR MOVING, DEMOLITION, AND TEMPORARY PERMITS FOR BUILDINGS OR STRUCTURES; CREATING SECTION 5-267(14), FEE FOR APPEAL TO CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-332 in session and asked if anyone in the audience wished to be heard.

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

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-332 be passed on second and final reading.

City Clerk Steele said they will need to fill in an effective date for this. She believes the Commissioners express some concern, when it first came about, as to when it would go into effect. So the Director of Building & Community Response deliberately left the effective date blank.

Commissioner Alexander asked September 2005?

Commissioner Coke said her concern would be that at this point in time the small homeowners who are pulling permits are subsidizing the great big developments that are coming through this City. She

thinks they ought to pass this effective immediately. Because much better, the people who are building great big projects should pay their fair share, rather than having the Building Department charging John Q. Citizen extra for what they are going to build and for inspections and things. Her personal belief is that they should do this immediately and make it a more fair and equitable distribution of what the permit fees are.

Commissioner Alexander said he is in agreement with Commissioner Coke on that, but his concern is the ordinary John Doe that has not been able to get a permit. Mr. Gallagher (Florida Insurance Commissioner) was here Saturday and there was a young lady there in tears that she can't get a permit to put up an outside building to store her things. Again, they are punishing the individuals in this community. He understands the future of development in this community matters too, but these individuals are still not able to get permits for whatever reasons there are. He has heard thousands of different reasons. Again, he is still saying, give this community an opportunity to get their lives put back together before they start tacking on. Again, if that is where the motion goes, he is still going to second it, with that concern.

Commissioner Coke said she understands they are going to be charging more for larger construction. How is this going to affect the single family home and the people applying for hurricane renovation permits under that?

City Manager Beach said if it affects it in any way at all, there is a provision in this ordinance that removes owner-occupied structures from the cost of the permitting.

Commissioner Coke said that was her understanding also.

City Manager Beach said that tends to be the value of this, to the community at large, is that many of the permits for owner-occupied structures are minimized considerably under this ordinance.

Mayor Benton said if an owner wants to remodel their home or make improvements to their home, then this permit fee would be free.

City Manager Beach said that is his understanding, but it depends on whether they are doing it themselves. There are any number of conditions that apply to that.

Commissioner Alexander said the biggest concern he has is with the re-inspection fees, that if they don't get the inspectors to come back the first or second time, he is looking at again they are speaking of structures. For the re-inspection, the fees are constantly going up and that is again where his concern is, not with the permit itself, just with the re-inspection that they are going to have to face. Those fees are going to continue to go up. That is not going to change.

Commissioner Nelson asked does he have a proposal for the re-inspection fee at a more or less amount?

Commissioner Alexander said no. The City Clerk just clarified only if it is underlined that changes are going to be, so this won't be changed in any way.

Commissioner Nelson said their big quandary is the effective date of this?

Mayor Benton said right.

City Clerk Steele said if the motion passes, it is effective immediately.

Mayor Benton asked does the seconder agree to that?

Commissioner Alexander said yes.

Those voting in favor of the passage of Ordinance No. K-332 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Ordinances K-333 through K-346, Annexing various properties into the City Limits.

City Clerk Steele said they have a series of annexation ordinances.

Mayor Benton said he thinks they should let her read them all at once.

Ordinance No. K-333 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4950 SOUTH U.S. HIGHWAY #1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: H. D. Midway, LLC - Walgreen's)

Ordinance No. K-334 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4900 SOUTH U.S. HIGHWAY #1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Square Treasure Foods - Wendy's)

Ordinance No. K-335 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **810 MIDWAY ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: White City United Methodist Church)

Ordinance No. K-336 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY GENERALLY LOCATED **TO THE WEST OF AND BEHIND 4221 SUNRISE BOULEVARD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Theodore

Capper)

Ordinance No. K-337 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **4220 SUNRISE BOULEVARD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Robert Laws)

Ordinance No. K-338 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **2006 HARTMAN ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Tommy & Caroline York)

Ordinance No. K-339 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **1803 SOUTH 37TH STREET**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Allie Walker)

Ordinance No. K-340 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3402 PETERSON ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Patricia Williams)

Ordinance No. K-341 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **5001 SOUTH U.S. #1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: S & S Rentals LLC)

Ordinance No. K-342 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY GENERALLY LOCATED ON THE **WEST SIDE OF SOUTH OCEAN DRIVE, NORTH OF 3RD STREET (SURFSIDE PLAZA - UNIT 1, BLOCK 8)**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: James Gallagher)

Ordinance No. K-343 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **3425 & 3535 DEBERRY ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: First Haitian Church and Maxwell & Gadola)

Ordinance No. K-344 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **2107 SWAIN ROAD AND THE ADJOINING PARCEL TO THE SOUTH**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Kirtut LLC)

Ordinance No. K-345 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED IN **INDIAN RIVER ESTATES BETWEEN WEATHERBEE ROAD, SILVER OAK DRIVE, AND MIDWAY ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Kraaz & Kraaz Finance, Inc.)

Ordinance No. K-346 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTIES LOCATED IN **WESTGLEN SUBDIVISION ON THE EAST AND WEST SIDE OF WESTGLEN DRIVE AND PROPERTIES ON THE NORTH AND SOUTH SIDE OF HICKORY LANE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF THE FINAL DATE OF ENACTMENT OF THIS ORDINANCE; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND

PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Westglen Property Owners - Glendale Commons)

Mayor Benton declared a Public Hearing on Ordinance Nos. K-333, K-334, K-335, K-336, K-337, K-338, K-339, K-340, K-341, K-342, K-343, K-344, K-345, and K-346 in session and asked if anyone in the audience wished to be heard.

Ms. Arlene Goodman said she lives in White City and she has some questions that concern her about the annexations that are going to be happening in this area. One is at 4221 Sunrise Boulevard. Is this a single family dwelling? Does the participant now have City water? Are they contiguous on all sides to this piece of property? Only because she noticed that it looks like it is behind another piece of property that does not look like it is contiguous in the City so far. That is Ordinance No. K-336.

Ms. Anne Satterlee, Administrative Assistant to City Manager, said that piece of property to the south of it has been annexed some time ago.

Ms. Goodman said 4221 and 4220 Sunrise Boulevard are both the same ones they just talked about.

Ms. Satterlee said correct.

Ms. Goodman said there is another one, she is not quite sure where it is at 5001 South U.S. #1. It says S & S Rentals. Is there something on that property now?

Ms. Satterlee said Ordinance No. K-341. It is a gas station.

Ms. Goodman asked it is there now?

Ms. Satterlee said yes.

Ms. Goodman said the one that concerns her a lot is Ordinance No. K-345. That is a triangle that goes from Weatherbee Road, Silver Oak Drive, and East Midway Road. One of the reasons she is so concerned is, she has been told by three or four different people that the owner wants to put in a 7-11 Store in that small piece of property and that he is then coming in to request in the neighborhood of from 156 to 200 Section 8 apartments. It had been her understanding in years past through the County when she worked there that this particular piece of property was under the special program - that is not the exact words - as far as water was going to be concerned and was part of the Indian River Estates. She doesn't know if they are aware of any of this or if they could perhaps, before the next reading, find this out from someone at the County who might know.

Mayor Benton asked do they know what the zoning is there now?

Mr. Ramon Trias, Director of Development, said the County zoning includes commercial and under the County's existing zoning the scenario they are talking about will be possible. That is not the request of the applicant. The request of the applicant is to make it residential.

Ms. Goodman asked is it residential multi-family or is it residential single family?

Mr. Trias said it is multi-family.

Ms. Goodman asked how many units can be put in that one little triangle?

Mr. Trias said he does not know the answer, the exact number of units. Maybe the applicant's representative can explain it.

Ms. Goodman said the other thing that concerns her is if they are aware of what that little piece of land looks like. There is not a whole lot of moving and shaking in that area with traffic and school buses and trucks, etc. Perhaps this needs to be looked at as to how many units can be put in there and what is this going to be. Is this going to be something that she can walk in and purchase and live in? Or is this going to be basically multi-family apartments again?

Mayor Benton asked or some kind of government assisted program or something?

Ms. Goodman said that is right. They are trying to grow their City, which is soon to become her City, into something that is a showplace and makes people want to come here. One has to only look at what is happening to some of the apartment buildings where they have absentee landlords who could care less what they do with the property once they are in here and build them and take off. They don't need any more of that type of buildings in St. Lucie County nor do they need it in the City of Fort Pierce. She thinks they need to do a due diligence of these people when they are coming in.

She wants to see what it is they have on paper; and if they can't get them to do what it is they would like to see them do, then maybe it is time to ask these developers to go to a PUD, and then they know what they are going to put in there and the surrounding neighbors know what is going to be put in there. Her home is roughly a mile and a half from where this piece of property is. And it is not very big to do very much. So she is hoping between now and the second reading that they will do some extensive looking into what is going to go in there before they annex that, and make some rules and regulations.

Mayor Benton said that is right across the street from Gator Trace which is one of the better communities in this City.

Ms. Goodman said exactly. People should not have to buy \$300,000 or \$400,000 homes in gated communities in order to keep their property values intact. And if this is what is going in there that she has been told, then this isn't going to do anything for their property values nor her property values, nor is it going to put money into the coffers for the City to run.

Mayor Benton said hopefully they will have some answers between now and the second reading. He knows there is someone else behind her who would like to speak. He might be that person who wants to develop that property.

Ms. Goodman said one other thing is, she is the President of the White City Improvement Club. They are working very hard to get a Historical Ordinance passed. They have their next reading on the 19th of April. They worry what is going to happen to a Historical Ordinance that they put into place that is now governed by the County, but then would be governed by the City. Do they accept the Historical Ordinance that is in place and the land use that is under that, or do they go out and do their own?

Mayor Benton said they should accept what is in place. What they are looking at doing in the very near future is, in fact they went out for consultants already, he believes, so they can sit down and update their codes and also their Comprehensive Plan. So when that day comes very soon, he hopes that the White City Improvement Club will get very involved in this. Because he thinks to keep the

quality of life that they want to see down there kept, it is very important to also have input from the County. Because normally what they do is, they just accept land into the City under what the existing land use is from the County. And that might not be good, as they can see here. It might be something they can change. Hopefully through bringing in these experts, they can change it.

Mr. Trias said if he could address the Historic Preservation issues specifically. The County does not have an ordinance yet. The City does. And as they are annexing some of the area close to White City, the Historical Preservation is kicking in because the City has it. So that has been very positive.

Ms. Goodman asked it will be?

Mr. Trias said it has already. It does.

Commissioner Becht said he has a couple of questions for Mr. Trias. The future land use in the County is RU. Utilizing the heaviest residential zoning allowed in that land use, what is the maximum number of units per acre they would be able to get in an RU?

Mr. Trias said he thinks the applicant has a planner representing him and probably the question should be addressed to them, unless they choose to ask him.

Commissioner Becht said if Mr. Trias doesn't know, then...

Mr. Trias said he would prefer to have the applicant explain all those things.

Commissioner Becht said then he is going to have a problem. Because if Mr. Trias doesn't know what the maximum number of units is in RU in the County, he doesn't know how someone determined that it would be RM in the City.

Mr. Steven Ball, Land Planning Systems, Inc., said it is RU in the County. He is representing the applicant.

Commissioner Becht asked what is the maximum number of units that would be allowed in that land use and the highest intensity?

Mr. Ball asked in the County?

Commissioner Becht said yes.

Mr. Ball said it would be five per acre. They are requesting ten.

Commissioner Becht said let's accept that as correct, Mr. Trias. What is the maximum number of units that would be allowed in the most intense residential unit zoning designation in RM?

Mr. Trias said he doesn't recall specifically. He thinks it was six to twelve.

Commissioner Becht said more than five.

Mr. Trias said it was more than five, yes.

Commissioner Becht asked could Mr. Trias help him understand why they are doing that? Why are they going from five to six to twelve?

Mr. Trias said the issue was that there were some areas that were zoned commercial in the parcel and some areas that were zoned residential. The request was what they have before them, and that

is a request by the applicant. In staff's view, that seemed to be a reasonable request.

Commissioner Becht said based on the information that is in his packet, all of the parcels have existing zoning of CN.

Mr. Trias asked the future land use?

Commissioner Becht said no, the existing zoning. The existing zoning that is in his packet for all these parcels is CN.

Mr. Trias said yes, he is right.

Commissioner Becht asked is that correct?

Mr. Ball said yes. It has a commercial zoning, which is inconsistent with the land use. And that is one of the reasons why they are annexing this, is to make that correction.

Commissioner Becht said he believes Mr. Ball pointed that out in his letter. He has to go to Mr. Schwerer now. How do they legally annex this property in; and in his opinion, up-zone? He thought they were not doing this any more.

City Attorney Schwerer said they cannot annex property at any greater density or zoning category than exists in the County without doing a Comprehensive Plan amendment, period.

Mr. Ball said that was part of their application.

City Manager Beach said they have had this discussion previously. That is not how... It doesn't matter what they request. If the City is annexing it, the annexation has to be brought in as closely as to what the existing zoning classification in the County is. That is his recall of this process. Is he missing something?

Commissioner Becht said he thinks they have been through it about ten times.

City Attorney Schwerer said they have been through this before. They cannot annex property in the County at any different... When he says different, they can reduce the densities and reduce the intensity without violating the spirit and intent of the Comprehensive Plan, as long as the applicant agrees to that. If they would be down-zoning his property to a lesser intense use, that requires the applicant's consent to do that. But they cannot under any circumstances increase the density or increase the intensity of the use or go to a higher category under land use than exists in the County without a Comprehensive Plan Amendment.

Mayor Benton said then it should come in as probably R-1 or R-2.

Commissioner Coke said number one, she got this lovely chart from the City with residential zoning, density permitted, number of units per acre. Can they possibly each of them get a copy of this for the County, so they will have a point of comparison? Number two, it appears to her that the existing zoning at the County, if it is in fact Commercial Neighborhood and has a density of ten, it is already inconsistent with the future land use of the County, which would be Residential Urban of five. So her question then becomes, if it is zoned now Commercial Neighborhood of ten, but she has no verification of that, then they are looking at Medium Density Residential of ten, it is the same thing. She doesn't understand how it could have a zoning now of ten and a future land use of five.

Mr. Trias said right. The applicant can request an amendment to the future land use that is consistent with the zoning that he is requesting. The Commission may approve it or not. That is basically what is going on. The Commission does have the authority not to approve it, because it is higher density than what the County has.

City Manager Beach said it is a higher density than what they have as their future land use. It is not a higher density than what it is currently zoned.

Mr. Trias said the current zoning is commercial, so the issue of density really doesn't apply. What it is, is the zoning is inconsistent with the future land use in the County. He doesn't know how it happened, but that is the way it is.

Mr. Ball said it has a greater impact.

Mr. Trias said the way to remedy this is to make an amendment to the land use map. If the Commission approves it at a density they believe is appropriate, or simply go with zoning that is consistent with the existing land use of the County, which would be the five units per acre they have discussed. So the applicant is requesting a higher density. The Commission may approve it or not, depending upon their judgment; and the way to do that is through the amendment to the Comp Plan.

Commissioner Coke said her point and she thinks Commissioner Becht's point is, they have already ascertained at this Commission level several times over that it is against the law for the City to take a piece of property that is zoned for five now and bring it in here at ten. They can bring it in at five and the applicant can then apply for a zoning change. But it is her understanding from Mr. Schwerer that they are not legally allowed to bring it in, if it was five, and bring it in at ten.

City Attorney Schwerer said the only caveat being is that they cannot do that without a comp plan amendment. So they have to have either a simultaneous comp plan... He doesn't know what the answer to this is. But when they have the problem that exists between the zoning in the County being incompatible with the future land use, they have any number of alternatives. First, the property owner needs to take that issue up with the County before they come into the City and get their zoning consistent with their land use. That is Option No. 1. Option No. 2, if they come into the City, the City has to take the property in at the lowest intensity, whether that is the zoning or the land use, whichever is the lowest. If that is incompatible, then in order to increase the density or the use, being it zoning or future land use, they have to make a Comp Plan Amendment simultaneous with their annexation; and he doesn't know how they can do that because it is not in the City yet and the property is not here in the City. That is a very perplexing problem.

Mr. Trias said the application includes an application to amend the comprehensive plan and the land use.

Mayor Benton asked isn't that what was done with Neill's Farm property? They came in first and went for the comp plan amendment?

City Attorney Schwerer said yes, and they walked through the comp plan amendment. That is correct. But they have to come in first and then go to the comp plan amendment.

Commissioner Becht said Mr. Ball has heard what has been discussed here, but he hasn't heard what has been discussed here for months before he got here. They have been troubled trying to bring

properties in with consistent or lower densities than currently permitted in the County. Is he or his client prepared to come in at five units to the acre?

Mr. Ball said he is not sure, actually. He would have to discuss that with the property owner and he is not available tonight. He would be glad to talk to him about that before the next meeting.

Commissioner Becht asked he does understand they cannot...

Mr. Ball said he understands perfectly. His background is in urban planning and land development.

Commissioner Becht said then he knew it before he got here.

Mr. Ball said he just wants to make something clear procedurally. What they have done is applied for three different actions. They applied for annexation; they have applied to change the comprehensive plan; and they have applied to rezone the property. Procedurally, how the City processes that is certainly their choice. But he thinks what has been done is, it is being processed all together. He doesn't feel like they are doing anything that is not procedurally correct. Leaving it as it is in the County would not be correct because it is inconsistent. He doesn't know how that happened, but they have commercial land use. The other thing he would just like them to consider before the next hearing is, in the analysis they provided to the City they showed them some impacts of what could be developed because the zoning is commercial, which would be much greater in his opinion, especially with traffic, than what would and could occur there as a multi-family townhouse type project, which is what he believes is the intent of the owner, Mr. Kraaz. He would be glad to get some more information on that for the next hearing to clarify what kind of development. But he thinks procedurally from his perspective, they have done the three things they need to do. They are applying to annex, they are applying to change the land use, and they are applying to get the zoning.

Commissioner Becht asked are they going to be done with the application Mr. Ball says he has filed for a comprehensive land use amendment by the reading of this annexation ordinance in two weeks?

City Attorney Schwerer said he can't answer that question. He has never seen his application for a comp plan change.

Commissioner Becht asked Mr. Trias, are they going to be done with it?

Mr. Trias said they can if the Commissioners feel comfortable with that. If they don't, they could stretch it and do it in two steps. What is going on is that this is less than 10 acres. It is 7.7 acres, which is a minor amendment. It doesn't have to be processed through Tallahassee and so on. So they have complete control on how they want to do it. What the applicant is requesting is the ten units, yes; and the applicant has submitted the documentation to do it legally, which is through the amendment to the land use map. As a Commission, they can say yes or they can say no. They are not bound to do it at ten units per acre. If they believe it should be less, then they simply say no.

Commissioner Becht said this may come as a surprise to Mr. Trias, but he has been listening to him for the last five or seven years. They have more control over this development through a PUD or other type of development than they do when they blanket zone him for ten units to the acre. So his one voice up here is that he would like to have the control at five units to the acre, and see

the specific project at ten units to the acre when he comes back.

Mr. Ball said then they could review the land use but defer the zoning to a later date or a different PUD. One of the points on the procedure, he was listening to some of the other ordinances that were read, and he thinks there are several of them coming in to the City, and they are also approving the land use and zoning together. So he thinks they are okay with the process. If they want to defer the zoning to a later date, he can certainly talk to the client about it. But they believe it is compatible. It is surrounded by other multi-family projects.

Commissioner Becht said yes, but it is also surrounded by other single family projects.

Mr. Ball said yes, it is.

Mayor Benton said he would love to see the County try to approve something commercially on that corner.

Mr. Ball said it doesn't fit well for a commercial site, so they think this is a better alternative for the neighborhood. Again, he would be glad to try to provide them with some more information for the next hearing.

Ms. Marcia Baker said she has a question which she raised probably over a year ago and have not seen any kind of answer to yet, and that deals with reapportionment. Is there anybody anywhere who is doing anything on analyzing the effects of the additional population coming into the City in these areas that are being annexed, in terms of the legality of the current apportionment in voting?

Mayor Benton asked can Mr. Beach answer that?

City Manager Beach said yes, he can. There is nothing underway in regards to that issue.

Ms. Baker said as she understands it, from reading the City code, the apportionment is based on population in the different districts. It seems to her that if they annex large areas, and there are people living in it, that it would change the apportionment of the districts. So that it is hypothetically possible that they are already illegal in terms of apportionment. She doesn't know. But since nobody is working on it and nobody knows, and she raised the issue over a year ago, don't they think it is time that somebody took a look at this?

Mayor Benton said he thinks when they look at their comprehensive plan, he would imagine it is time to do that. He doesn't know whether it is required after a census. Those used to be the numbers.

City Manager Beach said each time they have an annexation, the result of that annexation is sent to the census people and they get reports back on the impacts of that annexation on population. As an example, he thinks their year 2000 census was 37,900. Right now that census is somewhere in the vicinity of 39,000, a change of less than 2,000 over the last few years. This whole concept of reapportionment is something that the City can undertake whenever it chooses to, just an evaluation of where their population is and whether or not they are getting the proper representation between the two districts and so on.

Mayor Benton said when Harbour Isle becomes populated, he thinks it is time in certain other areas that they are going to have to

address that and move some boundaries. But he thinks they have to wait until some of these projects are reality. He knows they are in the process. But once they are occupied, he thinks finding out whether they are permanent residents.

Ms. Baker said she just would wish that there was somebody somewhere taking a look at this. The general census figures have nothing to do with it. As she understands it, from a State level or County level when there are population shifts, that reapportionment is mandated. And she does not understand the portion of the City Charter that deals with that. She has read it a couple of times and she still doesn't understand it. That is nothing new. But she would wish that somebody who is better versed in understanding these things could take a look at it and see. She appreciates that Mr. Beach says they can get to it whenever they want to, but that doesn't always follow in other types of electoral districts. It doesn't follow in the County, it doesn't follow in the State, and it doesn't follow in the Federal. When there are population shifts, there is a mandated change. And she doesn't know if that occurs in the City also and that is what she has been asking.

Mr. Dave DeWitt said he is a lifelong resident of St. Lucie County, Real Estate Broker here for 35 years, past President of Indian River Estates Association. He is concerned tonight about the annexation of the parcel at Silver Oak Drive, Weatherbee Road, and Midway Road. He doesn't know that he objects to the annexation, but would probably object to some zoning changes. Multi-family rental housing shouldn't be there, particularly any type of subsidized housing. He thinks he understands by the questioning here that they are concerned about it too. He hopes as a Commission that they recognize those factors. He can tell them that he really would like some answers. He knows they can't provide them tonight, but he would like to hear from the Commission or from someone. Because if this is what is going to take place here, he is sure there are a lot of people in his subdivision and surrounding subdivisions who would like to come and let their voices be heard. At any rate, he is just asking that they consider them and proceed with caution here and exercise whatever control they have on the use of this property. He doesn't know that they would get a lot of objection for commercial use; but multi-family, he thinks they are going to have some objections.

Mayor Benton said the second Public Hearing on this will be two weeks from tonight on the 18th of April, so hopefully they will have more answers. But he thinks there is another question. Under the County's current zoning, they could have a strip mall there with a 7-11 and an all night gas station he believes. So he thinks he would rather have some nice small scale townhouse development versus an all night 7-11 because they do have problems with them. But those are some of the answers he thinks the Commission is going to be looking for in two weeks.

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

Mayor Benton asked what was Staff's recommendation?

Mr. Trias said Staff and Planning Board recommend approval.

Commissioner Coke said she understands on referencing Ordinance No. K-345 that this was a voluntary annexation. Is that a voluntary annexation because they have annexation agreements? Because she did not receive a copy of a letter from the applicant requesting annexation. So her assumption is that the property merely conformed to their requirements of becoming contiguous and having

signed an annexation agreement.

Ms. Satterlee said there is a letter in there from Mr. Kraaz. Does she need a copy?

Commissioner Coke said no, that is all right. Aside from a letter from Mr. Kraaz, do they know if this property meets their other parameters for annexation for voluntary annexation agreements? They are contiguous, so with or without that letter they could go ahead with annexation.

Ms. Satterlee said yes, that is correct.

Commissioner Coke said she would like to see if they could maybe consider passing all the ordinances with the exception of Ordinance No. K-345 and consider that separately, if that is acceptable to the Commission.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance Nos. K-333, K-334, K-335, K-336, K-337, K-338, K-339, K-340, K-341, K-342, K-343, K-344, and K-346 be passed on first reading.

City Attorney Schwerer asked if Ordinance No. K-345 is reserved out, does that affect the contiguity of any of the remaining ones?

Ms. Satterlee said no, it does not.

Commissioner Nelson said Ms. Baker talked about reapportionment and Mr. Beach responded to her in some fashion. He would advise the Commission that shortly after the 2000 census the County came to the City and asked that they join them or have them do some reapportionment for the City resulting from the 2000 census. To date to his knowledge, the County's proposed reapportionment recommendation in concert with the Supervisor of Elections has not come back to the City. He thinks it is required, as Ms. Baker alluded to, to have some assessment made in this area. And perhaps it is time for the City to look to the County and ask what are their thoughts. Her personally has been watching the annexations that affect the City of Fort Pierce from both District 1 and District 2 and in his own mental mind tried to make certain there is a continued balance. He looked at the development such as Harbour Isle and South Pointe and Mariner's Bay or Cove over on A-1-A and also now looking at Live Oak Villas on 25th Street. It appears there isn't that many people moving out to really upset the balance of the electoral process to date; but he is not sure it is a fact, it is just his laymen's opinion on it. But nevertheless, he thinks it probably important that they do ask the County to follow through on their effort to provide them accurate information so they might know where their reapportionment should be.

Mayor Benton said maybe they need a letter asking the County what the status was to their findings. Also, is it something they do by population, or do they do it by a land size?

Commissioner Nelson said it is done by people. That is the whole idea because they vote.

Those voting in favor of the passage of Ordinance Nos. K-333, K-334, K-335, K-336, K-337, K-338, K-339, K-340, K-341, K-342, K-343, K-344, and K-346 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton asked how do they want to do Ordinance No. K-345?

Commissioner Nelson said that is Commissioner Coke's baby.

Commissioner Coke said it is not her baby. They all expressed some concerns about it. Her inclination would be that they go ahead and approve the annexation.

Mr. Ball said they appreciate staying on the next agenda and trying to show the Commission that they are serious about being a good neighbor.

Mayor Benton said he thinks if there are any concerns of the Commission they can take a negative action or another action at the next meeting once they find out maybe what the intentions are of the property owner.

Commissioner Coke said her concern would be on this is that she doesn't want to do anything that the City Attorney has told them is not right. Her preference would be this evening is if they could move forward with this annexation, but change the City zoning to R-2. She doesn't know how everybody else feels about it or if Mr. Schwerer will let them do that legally.

City Attorney Schwerer said if the Commission wishes to make the zoning or land use compatible with what they believe is the compatible land use in the City, they can do that by amending this ordinance. He would point out however that this is a voluntary application. And if the land owner is not in agreement with that, he may withdraw his application before the second reading; and at that point in time the ordinance would be moot.

Commissioner Becht said he would like a clarification from Commissioner Coke. She said the City's zoning. The land use is what concerns him.

Commissioner Coke asked what land use do they have that goes with R-2? R-2 is intermediate density, five units per acre.

Commissioner Becht said what he was looking for is a land use consistent with what the County's land use is.

Commissioner Coke said that is what she was looking to do too, change the zoning to R-2 and then change the land use to match the R-2, because the County's land use is five units per acre.

Mayor Benton said currently it is zoned commercial.

Commissioner Coke said but the Future Land Use is Residential Urban, five units per acre.

Commissioner Becht said if the applicant wants to withdraw his annexation before the next meeting, he can. If the applicant wants to try to rezone the property so he can get his five units to the acre in the RU County Zoning, they already know that Indian River Estates and the other residents are going to take up that battle at the County. The mistake he thinks would be to allow him to come in at a land use designation of higher than five units to the acre without going through the formal process - Public Hearings where Indian River Estates, Gator Trace, and the other owners can come in and give their input. So what is the future land use within the City that would have a maximum density of five units to the acre?

Mr. Trias said RL, which would be consistent with the R-2 that Commissioner Coke has suggested.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Section 4 of Ordinance No. K-345 be modified to change the Zoning to R-2, Single Family Intermediate Density Zone, and the Future Land Use to RL, Low Density Residential Land Use; and that Ordinance No. K-345, as amended, be passed on first reading.

Commissioner Nelson said he guesses the representative will take this back to the developer; and if he chooses to, he can withdraw his application prior to the second reading.

Those voting in favor of the passage of Ordinance No. K-345, as amended, on first reading

were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Mr. Elie Boudreaux, Fort Pierce Utilities Authority, to present Fiscal Year 2004 Annual Financial Audit and Annual Transfer to City.

Mr. Elie Boudreaux, Director of Fort Pierce Utilities Authority, said he knows he says this every time he comes before them, but he really does consider it a privilege to be before this Commission on every occasion. This evening he is requesting approval of their Fiscal Year 2004 Annual Financial Audit. The booklet they have before them contains several things in the audit, one of which on Page 1 is a report of the CPA - Berger, Toombs, Elam, Gaines & Frank. And in Paragraph 3 they will note that it is an unqualified audit, which is the best kind. If they jump to Page 16, he will call their attention to the Notes to Financial Statements, that is probably as important in this audit as the numbers themselves. If he can direct their attention back to Page 3, Financial Highlights of the audit, he would like to add some numbers there. The Utilities Authority's Net Utility Plant increased by \$7.5 million to \$182.6 million. The Utilities Authority's total assets increased by \$24 million to \$244 million total. He points that out just to give them a feel for the size of the FPUA facilities. Their CFO, Mr. Frank Varella, is here with him this evening and would be happy to answer any questions they may have regarding the audit. He does have a check here for the City. There are so many numbers he can hardly read it - \$4,585,395.00. He is sorry to say it is slightly less than it was last year; but they took a pretty good hit from the hurricanes back in September and October, and their revenues were reduced by about a little over 4% as a result of the storms.

Commissioner Coke said first of all, she appreciates the job the FPUA did during the storms. It was exceptional getting them all back up and running. If they have to suffer with a little less money, then that is what they need to do. She also appreciates the fact that the FPUA has been working on all the things they discussed jointly as far as helping the citizens out. A little side note, so long as she has him here. For the record, can Mr. Boudreaux tell her the approximate percentage increase in bulk water sales from this time last year to now?

Mr. Boudreaux said he doesn't have the statistics with him. But he did see something in the booklet with a change in revenue. On Page 5, water sales were up 3%.

Commissioner Coke said leading to her next question, considering the agreement they had signed with the County last year, did their bulk water sales increase to the same percentage they had anticipated them increasing to?

Mr. Boudreaux said these sales would not reflect any sales to the County as a result of the bulk water sales because this is only through September 30th.

Commissioner Coke said let's talk about that for a second even though it doesn't have to do with it. Her good friend Commissioner Nelson over here sometimes gets off the exact point, so she figured they will have a little patience with her doing that. Her concern is, she knows when they signed that agreement, they had anticipated a certain percentage increase in bulk sales. And what she would like to know from the Utilities Authority's standpoint, have they met, exceeded, or not come close to what they anticipated in doing in bulk sales as a result of that agreement they signed?

Mr. Boudreaux said bulk sales to date as a result of that agreement have been very minor only because the water has just started flowing within the last month as a result of this agreement. They have a seven year projection for the sales. He can tell them what the seven year projections are for water and wastewater sales from that agreement; and that is, in the vicinity of \$40 million both from rates and impact fees.

Commissioner Coke asked in his professional opinion, are they moving toward that projection at the proper anticipated rate?

Mr. Boudreaux said no. They have a problem with the County. In fact, tomorrow at the Utilities Authority Board meeting, the Board is going to be asked to approve a Resolution to go to conflict resolution with the County over the issues of compliance with the Interlocal Agreement.

Mayor Benton said that is also on the Commission Agenda to talk about later tonight. He was hoping those questions wouldn't come until that time.

Commissioner Nelson said he has a question on Page 21 about the policy regarding the ability to convert a portion of accumulated sick leave to cash. In 2004 they only paid out \$72 sick leave. How are they doing that, is it magical? People don't convert their sick leave to cash?

Mr. Boudreaux said yes, they do. But all of the dollars referenced in the audit are in thousands.

Commissioner Nelson said so it is \$72,000. That is pretty good. He knows some people looking at the Retirement Board and get sick leave with hundreds of thousands of dollars. The next thing is, how are they coming along with the weatherization program?

Mr. Boudreaux said he doesn't have any real current statistics. But about three weeks ago they had he thinks about 16 surveys accomplished and that is pretty much all of the ones that were requested.

Commissioner Nelson said the report from various independent auditors sort of gave them a clean bill of health. They modified some of their procedures, put in people out there to verify meter readings, and all that?

Mr. Boudreaux said yes, all of the above. The report of the independent auditor on their billing procedures after the storms came back with a clean bill of health. They also had an engineering consultant review unaccounted-for electricity; and in the process he looked at their meter reading procedures and made some recommendations there. And the most recent report they got back was from the Peer Review Group from the Florida Municipal Power Agency on the whole meter-reading process. They made quite a few recommendations and observations. And the FPUA has put into practice many of those already. The report was received about four weeks ago and they will have a report for the U.A. Board on that tomorrow.

Commissioner Nelson said in the area of the periods when they were not providing utility services to the various customers, how did the FPUA resolve those amounts? Did they give rebates, credits, or how did they handle that?

Mr. Boudreaux said the procedure that they used for estimating bills, and he thinks that is what he is asking, how did they render bills? What basis did they render bills after the storms?

Commissioner Nelson said yes. Some people said they didn't have services during that period of time and they felt they shouldn't pay for it, either they get a rebate or they get a credit.

Mr. Boudreaux said the FPUA knew how many days they were out of service with electricity and water in various parts of the City for both storms. The way the bills were estimated were, they took the previous 12 months consumption. That is important - consumption. They took a monthly average of that and then reduced that amount by what they estimated the customer was out of service. Some people were out of service for ten days, some people were out of service for one day. To the best of their ability, they estimated the number of days that a customer was out of service and deducted that from the 12 month average. That is how they estimated bills. The report they got from the independent auditors is, FPUA did exactly what they said they were going to do. The auditors also checked subsequent billings to make sure that if there was an over-estimation on a previous bill, that there was a credit given to the customer on the following bill; and if there was an under-estimation on the customer's bill, that they tried that up likewise with the next bill.

Commissioner Nelson asked can Mr. Varella tell him how much money the FPUA has to spare in the reserve pot?

Mr. Frank Varella, Director of Finance for Fort Pierce Utilities Authority, said if he looks on Page 22, he can see they have restricted assets for debt reserves in the amount of about \$3.2 million. They have about \$14 million in cash on their balance sheet for current assets. To be quite frank, as far as working capital goes, that is pretty minimal for a utility. They are a \$250 million utility and they are running on less than 30 days operating cash. So it is pretty minimal as far as cash goes.

Commissioner Nelson asked they have an emergency reserve of...?

Mr. Varella said \$3.2 million. It is on Page 22. It is Emergency Reserve and Renewal & Replacement Reserve. Of course, they do have principal and interest accounts and all that, but these are their true reserves.

Commissioner Nelson asked as a percentage of their overall budget, how much do they have in reserve? This is aside and apart from their operating budget, yes? Their total budget is how much?

Mr. Varella said their total budget is about \$110 million including capital.

Commissioner Nelson said 10% of \$110 million would be what?

Mr. Varella said \$11 million.

Commissioner Nelson said so they are operating considerably less than their standard of 7%, 8%, or 10% for reserve.

Mr. Varella said for a utility of their size it would be nice if they had 45 to 60 days worth of operating cash on hand. And they are not there.

Commissioner Nelson said that is something he better talk with the FPUA Board about.

Mayor Benton said he thinks they did rather well going through two hurricanes and not asking the public to pay for it.

Mr. Boudreaux said they only borrowed \$5 million for hurricane restoration and the total expense is over \$9 million. They haven't received any reimbursements from FEMA yet.

Mayor Benton said they haven't upped their rates to the utility users like FP&L did to cover the cost either.

Mr. Boudreaux said they have not entertained that idea of increasing rates because of hurricane expenses.

Commissioner Nelson said he sent a letter to Mr. Beach regarding FEMA reimbursement as a result of hurricanes and it addressed primarily the request made by the City less the Utilities Authority as a separate entity. He would suggest Mr. Boudreaux get a copy of that from Mr. Beach. If the City can do something to address the Utilities Authority directly, on a separate basis, they would certainly be glad to do what they can.

Mr. Boudreaux said they appreciate any offer of assistance. They need all the help they can get.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to accept the Fort Pierce Utilities Authority Fiscal Year 2004 Annual Financial Audit and the Annual Transfer to the City in the amount of \$4,585,395.

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

The next item on the Agenda was Ms. Trina Watson, Sunrise City Community Housing Development Organization, request an additional \$275,000 to be used for down payment of mortgage reduction assistance for Pioneer Park Subdivision.

Ms. Trina Watson, Executive Director for Sunrise City Community Housing Development Organization, said her purpose here is to request an additional funding for the Pioneer Park Subdivision and also to give an update as to Sunrise's progress in this project. Currently they have 19 pre-approved buyers through Harbor Federal. Harbor Federal has supported their project with Home Funds that they are going to supply to the qualified home buyers. They have developed three homesite plans with an architect that will fit on this four acres. However, since the hurricanes costs for construction has gone up. Prior to the hurricanes, they had anticipated using part of the money that was allocated from the City as down payment assistance, but the infrastructure costs have also increased. At her last meeting with the City, they were informed they would probably use all of those funds for infrastructure. In a discussion they had with Harbor Federal last week also, their average homeowner makes about \$28,000 a year. That qualifies them around \$68,000 to \$70,000 mortgage. So the additional funds they are requesting is to help subsidize the closing costs and mortgage reduction for the project.

Commissioner Becht said he doesn't know about the other Commissioners, but he needs to see some kind of budget of what has happened with whatever monies have been allocated to this. His thinking is that this might be a more appropriate request for the CRA. Did she make an application for a CRA grant this year?

Ms. Watson said they made an application for CRA. They approved to pay the closing costs or interest for the construction line of credit they secured from Harbor Federal.

Commissioner Becht said he doesn't think any approval has been done yet.

Mayor Benton said the money they already received came from the past CRA Board, he believes.

Ms. Watson said no. The \$500,000 was from a grant they got.

Commissioner Becht said if he may clarify, what he is looking for is an accounting of whatever monies they have already received. And his question is, the application period for the CRA, is it closed now?

Commissioner Alexander said yes.

Commissioner Becht asked did she make an application for this money to the CRA this year?

Ms. Watson said no, not for these funds.

City Manager Beach said let Patti Tobin describe the source and application of the funds that are allocated toward this project and what the status of that is and also the anticipated source of this \$275,000. Would that be okay?

Commissioner Becht said that would be fine.

Mayor Benton said also for his knowledge, because they have been talking about this and money has been allocated a long time ago. Why haven't they...? How long has it been since they started talking about this subdivision?

Ms. Patricia Tobin, Director of Community Services, said this project has been probably around her office for at least three years. There are two parts to it. She had originally thought this would be on the Agenda as one item instead of her being at the end.

Basically, the Sunrise City CHDO has the component of qualifying the home buyers and building the houses. The City's component is building the subdivision and putting in the infrastructure. They will be using Community Development Block Grant funds to do that. She thinks it is important to note that the organization itself has not received any funding yet to date. Most of the money that the City is using is going to be the federal dollars to do the infrastructure. The prior CRA did set aside she thinks just shy of \$50,000 for fees. They have not taken it, but that has been approved. She came to the Commission at the last meeting and talked about the \$3 million grant. They can use those funds to provide down payment assistance and that is their intent. What they have experienced in her office doing rehabs is, their costs have gone up 30%, and she is not talking infrastructure costs. Just the home building expenses have gone up 30%. She doesn't know if it is a result of the hurricanes, the timing, the market, or a combination of factors.

Commissioner Alexander said just as a point of order. Should they not let this be allowed to be brought to this point now? Discussion of Pioneer Park Subdivision is on the agenda later (Item #22).

Mayor Benton said he thinks it all ties together.

Commissioner Alexander asked they need to bring it up along with this request now, right?

Mayor Benton said at least in his opinion, he thinks they are going to have to receive more information before there is a decision made tonight.

Commissioner Alexander said his question is, should they not allow

both of these items to be discussed at one time?

Mayor Benton said he thinks they can, yes.

City Manager Beach said he thinks that is how it should be.

Ms. Tobin said she can provide the Commission with a breakdown of all the costs. She thinks it is important to keep in mind, they probably haven't spent \$100,000 on this project to date. So most of the money will go into the actual infrastructure, water, sewer, electric, paving, drainage, etc.

City Manager Beach asked how many houses are there being constructed?

Ms. Tobin said there will be 20 lots with 20 houses.

Mayor Benton asked the infrastructure, that was something the City is committed to?

Ms. Tobin said yes, they have already approved that.

Mayor Benton asked what is the status on that?

Ms. Tobin said they have just been approved by the Development Review Committee. They will be going to the Planning Board next week. And she hopes to have the Subdivision Plat in front of the Commission in May.

Mayor Benton said in other words, that is moving along finally.

Ms. Tobin said yes. They have approval to do that part of the project. The component that Ms. Watson is asking about is in addition as a result of the changing dynamics in the market.

Mayor Benton asked she is looking to get that \$275,000 out of that \$3 million they are expecting to get?

Ms. Tobin said right.

Commissioner Becht said this \$275,000 is for down payment, if he understood her correctly.

Ms. Watson said yes.

Commissioner Becht asked currently doesn't the SHIP Program...?

Ms. Tobin said they will be providing that as well.

Commissioner Becht said so this is in addition to the SHIP Program? Or it is going to be handled by SHIP?

Ms. Tobin said it is multiple funding sources. There are some homeowners in there who won't qualify for either program. If they qualify, they will get SHIP, they will get Harbor Federal home funds to buy down the mortgage, and then they would also get assistance from CDBG. These are all consistent with both the State and Federal programs.

Commissioner Becht said when they come back to the Commission, if they could tell him who is going to administer the \$275,000. Would the City be doing that?

Ms. Tobin said that would all be done through the City.

Commissioner Becht asked not through SHIP, not through somebody

else, but the City is going to pre-qualify these people?

Ms. Watson said they are already pre-qualified for mortgage through Harbor Federal. The money they are asking for now is to help as far as the buy-down of their mortgage. Again, they only qualify by their income. Most of them qualify where they are low to very low potential homeowners. And they only qualify for a \$68,000 to \$70,000 mortgage. Even with the assistance they have allocated so far, it is not taking them up to the cost of a new construction house. So the additional funding they are asking for is to help buy down the mortgage on the construction cost.

Commissioner Becht said the SHIP money, as he understands it, is tied to a certain term where if they sell the house and move out they have to pay the money back to SHIP; but at the end of as much as 15 years, that loan is forgiven.

Ms. Tobin said actually it is less than that, but that is true.

Commissioner Becht said the money they are talking about here, whatever information they can give him on understanding how that money is going to be administered, would help him make an intelligent decision when they bring this back to the Commission.

Ms. Tobin said basically the housing staff is going to do all of that. They do that now on a daily basis. But she will bring him that information.

Commissioner Coke said when Ms. Tobin brings this back to the Commission, if she could give them something like a spreadsheet - number of homes, size of the individual homes, the cost of the homes, what percentage SHIP is anticipated to donate or provide funding, CDBG, Harbor Federal and what the people are qualified for - so they have an actual approximate shortage figure per household so they know where they are going with this.

Ms. Watson asked an individual breakdown based on each individual potential home owner?

Ms. Tobin said they can work on that. That is basically what they have done to come up with this number. It will be shy of that. But they can provide that spreadsheet for them.

Commissioner Alexander asked is he misunderstanding something or missing something? The reason why they are coming back for this \$275,000 is because of the longevity of this project that prices have gone up? So it is not the potential homeowner's problem, it is only because they haven't been able to get this project off the ground. Is that what he is hearing?

Ms. Tobin said that, plus the market conditions changed so rapidly in such a short amount of time.

Commissioner Alexander said so the potential homeowners shouldn't be punished because they haven't been able to get their eggs in a row.

Ms. Tobin said she doesn't think they want to punish them. She thinks what the Commission is looking for is just the data to support what staff is doing.

Commissioner Alexander said he understands that too. But he is just saying this figure here just comes from the period of time that is in between the project that has been going on. One other question he has. He understands at one time the Fort Pierce Utilities Authority when they were courting Indian River Estates

that they were going in there and do infrastructure and they were getting even up to \$3 million or something? Why is it that they can't get that for this?

Ms. Tobin said the FPUA is contributing to this project and she will provide that information as well.

Commissioner Alexander asked is she saying that money they initially, that is going to spent with infrastructure?

Ms. Tobin said it will be spent on the infrastructure.

Commissioner Alexander asked along with FPUA money?

Ms. Tobin said FPUA is contributing to the project and she will show them the dollar amount they are contributing. But outside of the water and sewer and the electric, they have the roads, the drainage, the sidewalks, and those kinds of things. That is the infrastructure.

Mayor Benton said that is CDBG money, right?

Ms. Tobin said right.

Mayor Benton asked he thinks they need to see that information first, is that what the Commission feels? (The Commissioners agreed.)

The next item on the Agenda was Mr. Junior Flores, New Horizons of the Treasure Coast, Inc., request \$3,000 to promote The Friendship Games.

Mr. Junior Flores said he is the Director of Career Development and Community Outreach Relations of the New Horizons. He has been here now at Fort Pierce living for the last year. He was at the Atlantic Shores South Florida State Hospital and was the Programs Director there. His life has been constantly about working with the mentally ill, bringing enrichment programs and activities to the mentally ill, those who are suffering from borderline personality disorders and schizophrenia and it just keeps going on and on. He came up here and he is noticing that here in Fort Pierce they are not having that type of games like they used to have in Miami, the Friendship Games. He wanted to do something special here. On May 7th he was able to contract with Sherry McCorkle from the St. Lucie County Fairgrounds and they were able to get the Friendship Games going. He ended up getting 104.7, the FLAME, plus all multi-agencies involved - 211 HELP Line, Suncoast Mental Health Center, Council on Aging, Wharton Smith Construction, Access Home Health. They want to try to bring hope and awareness to the community regarding the mentally ill; and at the same time, to bring all agencies together and bring an awareness to the community. What he is asking the \$3,000 for was for the T-shirts, the equipment that needs to be bought and everything. He just came today to talk to them in regards to this because he thinks this is such an important event for the Treasure Coast community as well as for Fort Pierce and to all families. If they hear the promo that is on 104.7, the FLAME that Mighty Mike (Mighty Michael) plays, and they can see how they want the whole entire Fort Pierce community to come out to the St. Lucie County Fairgrounds, and at the same time they would like the Commissioners also there.

Mayor Benton said normally in their advertising fund they usually limit it to \$1,500. This may not be the case, but normally that has been the case for certain programs anyway.

Commissioner Coke said she has a question, not that this is going

to affect what is going to happen here, but she tends to ask this question of everyone who is trying to put on something that is for the Treasure Coast or St. Lucie County. Has he approached the City of Port St. Lucie and requested funding? And if so, what was their response?

Mr. Flores said no, he hasn't.

Commissioner Coke asked has he approached St. Lucie County and requested funding?

Mr. Flores said no. The only place he has approached so far has been here. He has gone to small agencies asking for donations here and there, like the Kiwanis. The Kiwanis of Fort Pierce ended up donating money so they can buy the ribbons for the children because this is an event for them.

Commissioner Coke asked did he get the morning Kiwanis Club or the afternoon one?

Mr. Flores said the morning, because he had to wake up at 6:00 a.m.

Commissioner Coke said call the afternoon one. They will give him money too. Tell them she sent him.

Mr. Flores said he has been trying to just go to try to put something on because going from place to place is a lot. So what he tried to do was try to get as many people involved. Wherever he is able to speak, that is basically where they have been donating money here and there. So the ribbons have been paid for. Now he is looking for just a little bit more just to bring as many agencies involved and to get everything going. The event is on May 7th and they are looking for at least 150 participants right now at this time.

Commissioner Coke said she thinks it is a great thing he is doing for the community. But she would just like to remind him that the community New Horizons serves is Port St. Lucie and St. Lucie County as well as Fort Pierce. And she guesses Fort Pierce must have gotten a reputation, because they are the only ones that ever say yes, so he came to the right place, she guesses.

Mayor Benton asked isn't New Horizons supported by the Treasure Coast generally, Vero Beach and Indian River County and Martin County also?

Mr. Flores said yes. They run four counties. They are all stationed in four counties. What he has been able to do with this, is basically he has moved away from the New Horizons things and wanted to just not make it a New Horizons thing, he wanted to make it an agency-wide function here. He thinks it has really worked out. So what he has been trying to do is just collect here and there and just try to do his best.

Commissioner Coke said Fort Pierce is the poorest out of St. Lucie County. They have the least.

Mr. Flores said he is sorry.

Mayor Benton said but Fort Pierce is usually there for them. Normally they put a little condition on it that the others contribute, that way when he goes to them...

Mr. Flores said he can do that. He will do that as well.

Commissioner Alexander said he just has one question and one concern when they speak about the Fairgrounds. He is an advocate

for children regardless of where. But his question is, why so far away? How do they expect to get these kids from their community to the Fairgrounds?

Mr. Flores said also as part of his planning, he has been with Community Transit. He met with Roje Gonzalez. And what they were planning on doing is having their case managers plus Suncoast Mental Health case managers, all those pick up their clients, those who are registered. Because they have had an application packet go out to everyone who wants to be registered. They have to be diagnosed with a mental health or substance abuse disability in order for these games to happen. What they established has been a point of transportation on Midway Road. Buses will be traveling back and forth on Midway Road. What they are trying to do is get their case managers there to bring their clients there for a pick up and it is just going to be going back and forth during the whole time of the games. They have also been able and privileged and blessed enough to have great artists, Vibe One Productions from Coca Cola. He was able to get involved in this. Vibe One Productions will be performing for them at the Fairgrounds along with Nazz R Blues for charity. What they are hoping with the transportation, this will be great that they are able to get.

Commissioner Alexander said maybe he misunderstands the question. Speaking about the community, this is an event for the kids to participate, not only in the games but as spectators, right?

Mr. Flores said yes, spectators. They are hoping that the families could go out. They just tried to get the Fairgrounds so they could have more room. They were trying to locate an area with more room. Sherry McCorkle was able to give him an open area that he thought was very beneficial, nice and open for the games they were planning on doing.

Commissioner Alexander said maybe he is missing the boat here. He is asking, how are the children in the City of Fort Pierce going to get to the Fairgrounds to observe the game?

Mr. Harry Shaw said he is an employee of New Horizons for 13 years and Mr. Flores is a new resident of this community. Mr. Flores wasn't aware of the surroundings here as far as where they can have activities. Normally he would have gotten on board at the beginning and he would have let him realize that they could be at Rotary Park or somewhere closer. But he is familiar with that part of the City. He knows their concern is how are they going to get the community out there. They have quite a bit of transportation and they have been sending out fliers where they can be picked up to be carried out.

Mr. Flores said they have been arranging location pick-up points all over the Fort Pierce area with their case managers and everything. They have their vans and they do have transportation and everything. So that is what they have been trying to do.

Commissioner Nelson asked did he understand Mr. Flores to say he has not touched base with the County or made a request of the County on this?

Mr. Flores said no. The City is the first group he came to.

Commissioner Nelson asked is this the first time he has put on this extravaganza?

Mr. Flores said yes, the first time.

Commissioner Nelson asked he selected the Fairgrounds as opposed to

Lawnwood Stadium or Pioneer Park or Martin Luther King Park or Rotary Park or Jaycee Park?

Mr. Flores said yes.

Commissioner Nelson asked he recognizes the County has a Parks & Recreation Department that could provide some of these type services?

Mr. Flores said yes, he does.

Commissioner Nelson asked but he did not contact them?

Mr. Flores said no.

Commissioner Nelson said he is joining Commissioner Alexander and he guesses the rest of the Commission too. He is very much desirous of having their kids, in particular the handicapped kids, participate in their society like everybody else. But it appears to him based on what Mr. Flores presented here tonight, he has some reservations as to whether or not they should go with this program at this juncture because it has not been properly staffed to the point of exercising the options. The fact that they are going to transport people way out to the Fairgrounds as opposed to utilizing facilities here within the immediate midst he thinks is ill advised. He would encourage him to go back and redraft this to the point of utilizing the facilities in and around the City in closer proximity to the kids they serve, as well as check with the County and other entities to provide support for the operation.

Mr. Shaw said as he said earlier, Mr. Flores was not aware of how they do things here. He is hoping they would all take into consideration what Mr. Flores is trying to do here. He understands and he had the same concern also about having things where kids in their neighborhood can get to. But he feels next year he would know. He just got on board with him. He was on the committee and his thing was to set up this activity. Again, Mr. Flores has people doing things; but there are so many things that are going to happen around in the community for the New Horizons thing and he didn't have the people to work with him as far as getting funds and he came to him.

Mr. Flores said he just went to Mr. Shaw and he just told him to try.

Commissioner Nelson said his coming here in the auspices of the New Horizons of the Treasure Coast and they have been around for quite some time. Additionally, he talked about his program taking place on the 7th of May. They have a little over a month to address those issues which he mentioned. He doesn't want to take too much of their time on these issues. He would certainly want him to have the program. But be advised that he is only one person, and sometimes he goes along with programs and sometimes he doesn't. It is nothing personal. It is just a matter of procedure, principle, and protocol with him in doing things right and which he perceives to be an effective issue for getting something done. What he sees as presented tonight, to be honest, it doesn't satisfy him, unless Mr. Flores addresses those issues which he talked about.

Commissioner Coke said she doesn't want to beat this poor gentleman up any more. She thinks he understands that not only does he have other resources in St. Lucie County and Port St. Lucie; but if it is a four-county area, every government body should be approached looking for funds. She would be willing to make a motion to approve \$1,000 from advertising funds toward promoting The Friendship Games, with the understanding that he can expand it next

year and try to fund it a little bit better.

Commissioner Alexander asked they don't have time to change the location? He is thinking \$1,000 is not going to be able to help him as much as it should. But again, he is an advocate for the children. But when they put it out of the reach and grasp of the children, then they put the responsibility on the parents and they are not going to support it.

Mayor Benton said he has have some suggestions. Number one, he would ask that they condition that on him receiving funding from the other local governments; and number two, at least look into Lawnwood Stadium or something closer. He knows they have had Special Olympics at Lawnwood Stadium. That is usually the perfect place. He thinks those should be added to the motion.

Commissioner Coke said that is fine with her.

Commissioner Alexander said he was just thinking of the amount. Should they give him \$1,500?

Mayor Benton said most everybody - Port St. Lucie and St. Lucie County - has more money than Fort Pierce does. He is sure if they are a little short, they can always come back.

Commissioner Nelson asked is it conditioned that it is to be conducted at Lawnwood?

Commissioner Coke said no, they will attempt to change the location.

Mr. Flores said there would be an attempt. This has been publicized already. But trying to find something between now and then is...

Mayor Benton said but it is conditioned on that the other local governments contribute \$1,000 or more, right?

Commissioner Coke said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to contribute \$1,000 from advertising funds to New Horizons for promoting The Friendship Games conditioned upon other local governments contributing \$1,000 or more, and they will look into using Lawnwood Stadium or something closer .

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

The next item on the Agenda was Request by Bank of America, N.A., that Code Enforcement Board lien in the amount of \$86,300.00 against 701 South 23rd Street be rescinded upon payment of administrative costs of \$737.97 (within 30 days).

Ms. Jodi Fox, Colilis & Stawiarski, P.A., said she is here on behalf of Bank of America and they ask that the City accept the reduction in the fines in the amount of \$737.97.

Commissioner Alexander said when he read over this he did have some concerns in which he always is in favor of the property owner; but he understands this was a bankruptcy or the bank taking back over the property and they did this over a year ago and the property didn't come back into compliance until 2005?

Ms. Fox said this property was acquired by Bank of America as a result of a foreclosure. Probably what happened, she doesn't have

the exact facts in front of her, but the previous owner of the property probably declared bankruptcy which delayed the foreclosure process which is what took so long for the proceeding to conclude.

Ultimately, it went to sale and the Bank of America was the successful bidder. That is probably what the delay in the time frame was.

Commissioner Alexander said his understanding is that they had possession of this property for over a year.

Ms. Fox said she doesn't have the exact date of ownership.

Commissioner Alexander asked do they have Code Enforcement here?

Commissioner Coke said she reads this the same way. The foreclosure sale was acquired by Bank of America on January 21, 2004.

Commissioner Alexander said the property came into compliance a year later. His main concern is that the bank asked for a reduction in the fines, not rescinding the total amount. Is he misreading something?

Mr. Bob Dusanek, Code Compliance Manager, said that is correct that the previous owner was the one who had the violation assessed against them. They did go into bankruptcy which caused the delay with this coming into compliance. Bank of America has brought it into compliance. They cannot come before the Code Board and ask to have a fine rescinded until the property is in compliance. That was part of the delay.

Commissioner Alexander said they had possession of this property since January of 2004. Is that correct?

Mr. Dusanek said he can't answer that right off the top of his head.

City Manager Beach said whenever they gained control of it, whatever the date was, the fine against the property was still rendered against the previous property owner, not against the bank.

Commissioner Alexander said he understands that. He is saying the bank foreclosure sale was February 2004. It took the bank until 2005 to come into compliance with the property.

City Manager Beach said that appears to be the case.

Commissioner Coke said she thinks they only came into compliance because now they have a buyer for the property and they want to flip it and they can't do that until they get this cleared up.

City Manager Beach said that appears to be the condition. So if somebody will make a recommendation. If the staff's recommendation is not acceptable, make one and let's see if they can...

Commissioner Coke asked can Mr. Dusanek tell her what the amount of the fine would have been just for the 13 months that the Bank of America owned the property and did not bring it into compliance?

Mr. Dusanek said off the top of his head he cannot tell them that. He doesn't remember.

Commissioner Coke said she would like to defer this matter to the next meeting and ask that they find out what the amount of the fine would have been for the 13 months that the Bank of America owned the property. She would like to find out if they can check with

the County Property Appraiser's office and see what the property is appraised at as well as what it was purchased for.

City Manager Beach asked when did the fine quit running on the property?

Mr. Dusanek said he can't give them the specific date.

City Manager Beach asked was it prior...? From reading this document it appears that a lien was filed against this property, which means the fine quit accumulating at a certain point in time. Is that accurate or not?

Mr. Dusanek said no, that is not accurate. The lien is filed at a point, but it continues to accrue at the daily figure.

City Attorney Schwerer said the fine would have stopped upon the property coming into compliance which was February 18, 2005.

Commissioner Alexander said exactly.

Commissioner Becht said generally and broadly speaking, they are waiving these fines and imposing an administrative cost. He doesn't know if they want to burn the time tonight to do it, but real quickly, the administrative cost for this action is somehow determined to be \$737.97. He doesn't think that is even close to the actual cost to the City of this administrative procedure. So he doesn't know how they are factoring it, but he would like that to be explained to them at some meeting in the future because he thinks they are missing something here. He is not sure he is in complete accord, but this Commission is going with a philosophy of, as long as the property is brought into compliance, they are going to waive the liens. His going along with that is based on the City is recouping their actual cost for the procedure. But if they factor in, in this particular case for instance, they had Code Inspectors go out to the property in multiple occasions and they had an attorney involved in the process at every step when the Code Enforcement Board met, when the Special Master met, and they pay the Special Master for going there, there is the use of City facilities every time there is a Code Enforcement Hearing, and they have staff time, and Mr. Dusanek's time at this meeting and in every other instance. So he doesn't know how they figure \$737.97 was an appropriate administrative cost. But his thinking is maybe they need to make that administrative cost commensurate with what the real cost is to the City and have that paid and waive the balance of the fee. He thinks that would be fair to Mr. Dusanek's department right now. So he would like that information coming back to them, not just for this particular case, but for all of the other ones where they are waiving the liens.

Commissioner Alexander said just one last comment. He is in agreement with Commissioner Becht on that. But his concern is the regular constituent out there who is trying to maintain the properties and bring it into compliance. But when he looks at banks, they come in and take a year to paint and fix a fence, then he doesn't look at it too kindly. He can look at a person working day in and day out and trying to do something to keep their property maintained. But when it comes down to banks, they just are snubbing their nose at them if they think the City is going to just allow this to go away.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to defer action on the request by Bank of America until the next City Commission meeting on April 18, 2005; and have staff report back to the Commission at that point in time what the amount the fine would have been for the 13 months the Bank of America owned it, the appraised value of the property and what the house is

being sold for, and Staff give a more accurate reading on what the actual administrative costs are.

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

The next item on the Agenda was Fort Pierce Redevelopment Agency (CRA) to convene in order to hear a presentation by Staff and Catalfumo Construction regarding the Marina Square Project.

Mayor Benton said what they need to do here is, he will need a motion to adjourn, a recess; and at the end of the CRA meeting, he will call the City Commission back to order.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, and unanimously carried, that the City Commission adjourn, to meet at the call of the Mayor.

MEETING OF THE CITY COMMISSION WAS ADJOURNED AT 9:15 P.M. AND RECONVENED AT THE CALL OF THE MAYOR AT 9:35 P.M.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-19

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPOINTING **JOHN L. GEORGE** TO THE **CODE ENFORCEMENT BOARD**, PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, that Resolution No. 05-19 be adopted.

Those voting in favor of the adoption of Resolution No. 05-19 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-20

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ADOPT A SENATE BILL TO CREATE AN INDEPENDENT **RESEARCH AND EDUCATION AUTHORITY** WITHIN ST. LUCIE COUNTY, FLORIDA, TO PROMOTE AND STIMULATE ECONOMIC DEVELOPMENT AND EMPLOYMENT OPPORTUNITIES WITHIN ST. LUCIE COUNTY AND THROUGHOUT THE TREASURE COAST."

Mayor Benton said this was added to their agenda by the request of Senator Ken Pruitt. This is going to be a big benefit for this community. He thinks this will show the City's support.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Resolution No. 05-20 be adopted.

Commissioner Alexander asked he understands they are going to be creating a new Board or is it a Board already?

Mayor Benton said they created a board like a Board of Trustees and they also have an Advisory Board right now. He has sat on this Board since early in the summer.

Commissioner Alexander said so they do have representation.

Mayor Benton said yes, and they are going to look for official

representation in the future. They will be looking for one person from this Commission, one from the County, and one from Port St. Lucie.

Commissioner Alexander said excellent.

Commissioner Becht said far be it for him to throw cold water on this, but he has grave concerns over the way in which the governing body is going to be appointed and/or elected. This is their one opportunity to have as much input as they are going to ever have into preserving or having a voice for Fort Pierce on this Board. The comment the Mayor made about there being a representative from the County, the City, and Port St. Lucie, those folks don't have any right to vote, so they are powerless on that Board. He hates raising a problem without having a solution at the same time, but this is a problem. Once again, he doesn't have a solution for it. But if this legislation is going to go forward, it would be nice if they could support it. They ought to support it. But he is very uncomfortable with the manner in which the Governing Board is going to be selected.

Mayor Benton said there has been one change he knows of and Commissioner Nelson had spoke to the Legislative Delegation on this and so did Jack Kelly. And he believes it won't be an elected body. He thinks it will be appointed. Wasn't that the discussion that day?

Commissioner Nelson said he spoke on it. Both Councilman Kelly and he endorsed the idea that it should be the elected people rather than appointed people in that the elected officials have a broader perspective of what is going on throughout the County and particularly in their respective cities. Just like many other Boards and Commissions, i.e. the County Commission sits on Mosquito Control and all those boards and all, certainly they have or should have a cardinal knowledge as to what is going on in their respective community and can provide something. What they are trying to do or where their thoughts were, or at least his, is to take away some of the bureaucratic processes one has to go through. Certainly they all have a lot on their plates, but if they know the totality of situations of a broad perspective, he thinks by and large in the long run they will do a better job. He is primarily concerned that the elected officials constitute this Board and have representation from the various cities and counties involved.

Commissioner Becht said the way this is set up in the proposed legislative bill that was brought to their attention, the candidates for this Board will be elected from the five districts that are defined by County Commission. In his opinion, that gives an advantage. Maybe that is a good thing, maybe it is a bad thing, but the County has an advantage because of the way the voting districts are set up. They can acquiesce to that, they can say they can't do anything about it; but let us not blindly support this thing without at least acknowledging that the County gets an edge with controlling that asset, which is part of Fort Pierce asset, part of St. Lucie County asset, and probably a multi-county asset. There is another way of doing this. As he is sitting here thinking, one of the other ways to do it would be that one of the members is elected from the City of Fort Pierce, one of the members is elected from the County at large, not incorporated, and one of the members is elected from Port St. Lucie. So they have one loyal vote on that Board. They are not going to have that, the way this is set up now.

Mayor Benton said they will have one advantage. It is probably going to be annexed into the City. So whatever is done out there, he would imagine the City will have a big role in. But if this is

something they feel should be put off until maybe Mr. Pruitt could come join them one night and explain or listen to their input.

Commissioner Alexander said he has the same concerns as Commissioner Becht. But his question is, maybe this area will be annexed into the City, but isn't that something the County is requesting the City to set aside?

Mayor Benton said the County has talked about it; but if they need water, he thinks they are just going to have to be very sensitive to the needs and the zoning. He thinks the County has backed off, or at least it isn't a problem with this governing Board. They understand there is some debate and there was some debate at their meetings about that. But at least from his input, it was that the City would be annexing them eventually because they need water and sewer.

Commissioner Nelson said the location of it being within the City limits really will not have any bearing on this operation and function on what it does. They don't have any control over the Fire Department, for example. They send two people over there, but their input is that they have representation over there by elected officials.

Commissioner Becht said he is right, they have no control over there.

Commissioner Nelson said that is a bad example. The point is, they should have somebody over there, an elected official from this body just like an elected official of Port St. Lucie sitting over there, looking at the total operation of that center out there, but having cardinal knowledge of what Fort Pierce wants. The probability of the Center being annexed in the City should be secondary and set aside and apart from what they are doing today, because eventually based on their service agreements and territorial areas, yes there is a strong possibility it will. But that has no bearing in his opinion on how this thing is staffed or functions at this juncture.

Commissioner Becht asked does staff, either Mr. Schwerer or Mr. Beach, have any ideas on how they might handle this other than...? He is very reluctant not to do some favorable action on it.

City Manager Beach said he thinks one way to look at this is, if the representatives are elected from the various districts that are set up for the County Commission, one of their districts is primarily Fort Pierce. He doesn't know which district it is, but Joe Smith is the Commissioner of that district. The bulk of it is Fort Pierce.

Mayor Benton said this is supposed to be set up for education and research. This isn't supposed to be a political thing or political board. This is set up for education and research and they are trying to keep the politics out of it.

Commissioner Becht said that is what he is trying to do. Because if Fort Pierce is represented on it, the politics will be kept out of it. But Mr. Beach's comments, if that was set in stone, if they knew that district would be largely controlled by Fort Pierce, then they would at least have one vote on there.

City Manager Beach said he wouldn't want to imply that. He was just saying the district kind of goes along with the same area.

Commissioner Becht said again, he doesn't have a solution.

City Manager Beach asked what if they send this resolution with an expression of that concern?

Mayor Benton said they can send that resolution like Mr. Beach said. And they can ask Mr. Pruitt, when he is back from Tallahassee and when he has some time, to come and address this Commission and listen to their concerns. Would that be the best bet?

Commissioner Nelson asked why don't they send the resolution and withhold the manning of it until they get a further study on this thing?

Commissioner Becht said his concern with doing that is, Senator Pruitt is trying to get the funding for this and he will face an uphill battle with that; so any ammunition they give his enemies in Tallahassee is going to hurt the chances of this very worthwhile project coming to their County. He likes the idea better of just approving it and asking Senator Pruitt to come talk to them about how he sees the power structure being set up and if there are any other options for just insuring that the City has at least one vote on that Board.

Commissioner Nelson said he was at the Legislative Delegation as alluded to by Mayor Benton when this was proposed. Everybody and anybody who was there spoke in support of it. He even spoke with them briefly about the annexation issue and followed by County Commissioner Hutchinson, so they are aware of their thoughts on it, and he thinks also that Commissioner Coward has some reservations about that too in the area of being appointed and all that. So this is not something that is going to catch them off guard or cold. And it is a serious issue because it is important that they have people who are committed to that center, but also committed to being accountable by the people that elected them. Once they have that voting accountability, he thinks by and large they have a better quality out of their service there. So he strongly feels they ought to have elected people there.

Mayor Benton said they have a choice. Do they want to send this resolution supporting it with their concerns in writing? Or do they want to ask Mr. Pruitt to come here? He knows Senator Pruitt has put off some of this proposed legislation because he doesn't want to compete with the half-cent sales tax this year, so he is probably looking at next year.

Commissioner Coke said she certainly thinks Senator Pruitt asks little enough of them. And if he is looking to bring something of this magnitude to their County and hopefully their City, that they should not stand in the way of it. She thinks they also need to approve this; but as a separate item, send him a letter and express their concerns that the City of Fort Pierce would like to be represented with a voice on this Board. And whether that is through the election process, or if they just change the three ex-officio members from each of the County, City, and Port St. Lucie Boards to a voting member, then they would be assured of having at least one voice on the Board.

Commissioner Becht said Commissioner Nelson reminded him that he had a conversation with at least one County Commissioner who didn't like this process, was uncomfortable with this process, and said the Fire District process seems to work where everybody in the community is represented by an agency that is supposed to serve the community. So the Commission may have support actually with the County and maybe with Councilman Kelly at least from Port St. Lucie on a different set up. Maybe it is up to the City to forge that solution with their sister organizations with the County and Port St. Lucie and propose that to the legislative body when they have it worked out among themselves.

Commissioner Nelson said he doesn't know what they are voting on.

Mayor Benton said they are voting on supporting this resolution. Then there is going to be another motion for a letter to Mr. Pruitt with their concerns.

Commissioner Nelson said he is not through with that then. This proposal says an elected representative of the City of Fort Pierce is going to serve as an ex-officio, i.e. non voting member.

Mayor Benton said that is what it says. It says that for Port St. Lucie and the County.

Commissioner Nelson said he just has some heartburn with that.

City Attorney Schwerer said the Resolution does not legally bind them to commit to the special act wording. This resolution has three major points - it supports the creation of the district, it supports the dedicating funding service, and it supports the referendum being conducted in St. Lucie County to create this particular district. They are not bound by the special act. The special act provisions often change many times by the time they go through committee and ultimately get adopted. And in fact, it is not uncommon that sometimes those special acts are changed or amended the year that they are actually put in place. So they have the door open. But just be aware that the resolution is not technically binding them to any particular governing body and they are free to express by separate motion and separate letter their request on that.

Commissioner Nelson said so the motion is to approve this Resolution and send a letter.

City Clerk Steele said no, the motion is to adopt Resolution No. 05-20.

Mayor Benton said there will be a motion after they vote on this to send a letter with their concerns.

Those voting in favor of the adoption of Resolution No. 05-20 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, to send a letter both to the County and Port St. Lucie trying to establish a different mechanism for creating the Governing Board and also send a letter to Senator Pruitt, expressing their concerns about the way it is currently set up and inform Senator Pruitt that they are trying to work it out amongst themselves.

Commissioner Coke asked does the motion include a request that Senator Pruitt, when he comes back, come to see the Commission so that they could discuss the issue?

Commissioner Becht said yes, that was implied.

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-21

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA INITIATING **CONFLICT RESOLUTION** PROVIDED BY SECTION 164.052, FLORIDA STATUTES (2003) PERTAINING TO A DISPUTE INVOLVING THE INTERLOCAL AGREEMENT DATED FEBRUARY 10, 2004, AND RELATED ISSUES; INVOKING STATUTORY CONFLICT RESOLUTION PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE."

Mayor Benton said he asked that this be on the Agenda tonight because one formal Commission meeting was cancelled because the County couldn't answer questions relating to their Bulk Water Agreement. And also a meeting which was supposed to be last week between the Utilities Authority staff and the County Utility staff, with his wanting to be there and also they asked Commissioner Hutchinson to be there, it was cancelled after that. Mr. Schwerer can tell them about some of the legal issues that have come up and a proposed ordinance the County has.

City Attorney Schwerer said this resolution before the Commission does not require a Public Hearing, but they can certainly ask any questions of staff or Mr. Boudreaux or anyone else. He believes the Commission is aware of the difficulties that the Fort Pierce Utilities Authority has encountered with the Bulk Water Agreement.

The FPUA has come to the City requesting their assistance because the City is a party to the Interlocal Agreement which is intricately intertwined with that Bulk Water Agreement. He thinks the Commission is aware of the issues that the City wants to have discussed. They have not gotten any answers to their questions as of today. He was talking with some of the legal representatives or at least persons involved with the County's utility drafting the ordinance they are proposing. He could not get answers to questions. This resolution, if adopted, would require within a certain number of days the chief administrative officer for the City - which is Mr. Beach - and himself to meet with the Fort Pierce Utilities Authority Director and the FPUA Counsel, and the County Administrator and their Counsel, in an effort to define the issues and try to come to some solution, but definitely would have to meet and talk. If they are unable to reach any type of compromise or proposals to bring back to their respective boards, then there will be a three board meeting. He understands the Fort Pierce Utilities Authority is going to enact a similar or identical resolution tomorrow at their meeting. There will be a three board meeting scheduled within a certain amount of time by statute after the administrative staff meeting if they are unable to resolve this. Staff is recommending that the Commission adopt the resolution simply to start the process. This is not a threat of litigation. It is not meant to be intimidation. They need answers. The Fort Pierce Utilities Authority has some very serious concerns. There are ordinances on the table in front of the County Commission that are directly contrary to the Interlocal Agreement. The County is substantially modifying their Comp Plan with respect to potable water and wastewater. So they definitely need this discussion to take place.

Commissioner Becht said he had a couple of questions and then he would like to give them a summary of all of his efforts since they were so kind to appoint him to the Task Force for this. Has the County requested of the Fort Pierce Utilities Authority any supply or quantity of bulk water that FPUA cannot currently meet?

Mr. Bud Boudreaux, Director of Fort Pierce Utilities Authority, said no.

Commissioner Becht said that is important, because the County is making a big deal out of a letter that was sent to FPUA which contained language referencing or intimating a moratorium. What is the time table for the FPUA fixing what, in his opinion, he would

call a technical glitch in permitting? When will they have that issue resolved?

Mr. Boudreaux said that should be resolved probably around the 1st of May, next month.

Commissioner Becht said he is somewhat familiar with the County's capabilities for supplying water. Do they have any miraculous hope of meeting any expected needs for bulk water by May 1st?

Mr. Boudreaux said he doesn't think the County can do anything other than use resources that are already in production and have been in production for years; and that is, the Holiday Pines facilities.

Commissioner Becht said but FPUA is in a position to meet every demand the County has asked and more. Is that correct?

Mr. Boudreaux said that is correct.

Commissioner Becht said the County has not declared any state of emergency with their need for water which would...

Mr. Boudreaux said no. The County is interpreting a DEP (Florida Department of Environmental Protection) letter as a moratorium, which it is not a moratorium in any shape or form.

Commissioner Becht said but even giving them the benefit of calling it a moratorium, the moratorium would be lifted in early May, which is certainly sooner than they are ever going to get the alternate source of water, and they have not asked the Fort Pierce Utilities Authority for any additional water.

Mr. Boudreaux said that is correct.

Commissioner Becht said not to bore his fellow Commissioners with this, but he has talked with County Commissioner Chris Craft, who expects that tomorrow the Board of County Commissioners, they hope, will appoint him to the Task Force. He and Chris Craft are not happy about the Conflict Resolution; but he will be supporting it tonight and Chris Craft understands the City's need to do this. And in the end, the Conflict Resolution may get the City and the Fort Pierce Utilities Authority the answers they deserve. Without meaning to insult the County Commissioners, his conversations with the County Commissioners, he is not sure they are aware of the extent of even the alleged breach, much less the material breaches that the County has made or committed in regard to the Interlocal Agreement. So he thinks the Conflict Resolution is timely and it may get them to a faster resolution and educate the County Commissioners on some of the deficiencies that their staff or some of the breaches that their staff has committed along the way.

Commissioner Nelson said he notes there are some County people here. Should they invite them to come up and make some statement at this time? He would like to hear from them.

Mr. P.M. Bowers, Director of St. Lucie County Utilities, said he will reserve comment.

Commissioner Nelson said he supports this resolution because he noted with deep concern historically what he considers a lack of good faith on the part of their County folks. Going back to the 1980's - 1982 and 1987 time frame - and their agreement they had in that time frame and recently the agreement they reached just recently relative to the service area and providing water ultimately to Portofino Shores up there. It is important that they

get along and do the things that are right and correct for all citizens of St. Lucie County. Has there been any contractors and developers enticed to in fact build water plants and transfer to the County that Mr. Boudreaux knows of, or anybody?

Mr. Boudreaux said the County has a proposed ordinance that he thinks they are going to have a Public Hearing on within the next couple of weeks. He received a copy of it and he thinks that is the ordinance that is referenced in the resolution they are contemplating this evening. With this ordinance the County is planning to change, he thinks it is the utilities element in their Comp Plan to either force or encourage developers to build package plants for their developments instead of connecting to the County water system or wastewater system that they would use FPUA for as a provider. It is pretty clear what the intent of this ordinance change or whatever it is that the County is doing, changing the Comp Plan. It is very clear that is the intent of it. And if they read the Interlocal Agreement, he thinks the Interlocal Agreement is pretty clear about neither party should or is allowed to make any changes that would obviate the elements of the Interlocal Agreement. In fact, he thinks it says that all parties should make changes to the Comp Plans to support the Interlocal Agreement. And what this change that the County is having a Public Hearing on is just the opposite from that. It is a way to get around the Interlocal Agreement.

Commissioner Alexander said he just has one concern. Mr. Schwerer was speaking about staff with FPUA and County getting together. He really is ready to draw the line as far as staff getting to meet with the Commissioners. He thinks again it is essential that all the Commissioners... They put Commissioner Becht on a task going out and finding out this information. But if anybody needs to come to the round table, he thinks it is the County and the City Commissioners and the Board for the FPUA. And the Commissioners can ask their own questions. Again, he knows they have questions; but they can prepare questions for the Commissioners if need be. But he thinks it is time out for staff.

City Attorney Schwerer said the dictates of the statute are such that they require the staff to meet. The Florida Statute that he has cited in here, which is F.S. 164.052, is very clear. What it says is, that upon the adoption of this resolution, they forward a certified copy to the non-conflicting board, which is going to be the County. They forward that to the County Administrator. The statute then says very specifically that the chief administrative officer of the governing body and the legal counsel, as well as the chief governing officer and legal counsel of the non-conflicting side, have to meet and require that meeting to discuss the issues. And then thereafter if they can't reach a compromise that they can bring back to their boards, then the boards have to meet. So it is not a choice that staff is making, it is a statutory mandate that they have that meeting.

Commissioner Alexander said in other words, they can't demand the County Commissioners and FPUA Board to come to the round table with the City Commissioners?

City Attorney Schwerer said not as the first step. The second step of that is, yes.

Commissioner Alexander said that is only if they pass this resolution. But if they don't address this resolution, is he telling them that they cannot get every entity in one room at one time?

City Attorney Schwerer said he is telling him that this body had a

joint meeting scheduled with the County; and as soon as they told the County... Recall their first meeting when they had the Joint Planning Agreement discussed, the County put all their issues at the top of the Agenda. This Commission, his client as the City of Fort Pierce... He will refer to this Commission as is his client.

His client sat there and said they will defer to the County's issues, but at the next meeting they want to move the City's issues to the top. And their issues were a number of issues dealing with annexation and some other issues. That was told to the County, that the next time they set the Agenda, that the City's issues needed to be moved to the top, as well as they wanted to discuss... Because in the meantime the Utilities Authority came to the City saying they are having an extremely difficult time understanding why the County is breaching the Agreement and the FPUA needs the City's support. They moved those issues to the top of that Agenda and the County cancelled the meeting. They can ask the County all they want to meet with them, but they cancelled that meeting. And then they had another meeting scheduled where they were going to discuss very specifically the ordinance that they are going into Conflict Resolution on and very specifically these breaches. There have been a number of letters back and forth from the County Administrator and Mr. Boudreaux; and the City staff asked to be at that meeting along with the Mayor. The Mayor asked to be there and the Mayor asked that the County Commission counterpart, which is Ms. Hutchinson, be there. And the County said no, they are cancelling the meeting. So he can't tell them with any certainty that in the absence of this Conflict Resolution whether they are ever going to get the County Commission to meet with them on that issue.

Commissioner Alexander said so be it.

Commissioner Coke said she is trying very diligently to be quiet on this subject, but she thinks it is necessary that they move forward with this. They have made attempts to sit down and have discussions, which haven't been successful. They have all been through a Conflict Resolution before and that hasn't been successful. But that was a couple of years ago. Things may have changed. But she doesn't think at this point in time they are going to get that one on one sit down, let's have the ten of them hash it out, until they pass this. And that is why she thinks it is important that they address this issue and they address it this evening. She thinks rather than just attempt to set up a meeting without passing this, if they remember the County requested a Conflict Resolution with the City's annexations, they were in a legal position where they had to defer annexation until after the Conflict Resolution. And she believes that requesting a Conflict Resolution on this issue will put the County in a position where they will need to defer this ordinance about having people put in their own water plants until after they have met in Conflict Resolution. Because it is her understanding that if this were to go forward, it could cost the Fort Pierce Utilities Authority \$50 million or \$60 million. And that is not something she thinks they as a Commission can allow to happen.

Commissioner Becht said if they are all ready to make a motion he will move for the approval of the resolution, coupling with that a letter asking the County to meet with the City, before or after staff, it doesn't matter to him. They have tried to meet with them. He knows they tried to meet with them on the Joint Planning issues. That was cancelled at the last minute. He hears them all tonight tell him they tried to set up other meetings. So what he would like to do is not put the County in a position where their backs get bowed up because they have thrown this to Conflict Resolution; but put it in the posture it needs to be put in, that the City is trying to meet with them, but the County refuses to meet with the City to talk about the issues. They left the City

with no option but to send it in the Conflict Resolution. There are some representatives from the County here tonight. He would implore them to think very seriously and just read the newspaper about what it means to let a private developer like St. Lucie West put in its own system - it just doesn't work.

Motion was made by Commissioner Becht, seconded by Commissioner Nelson, that Resolution No. 05-21 be adopted.

Commissioner Coke said she has a question on that motion. Is it simply to approve the resolution, or are they looking to send the County a letter?

Commissioner Becht said he wants two things. He wants to send it to Conflict Resolution and send the County a letter and say the City wants to meet with them.

Commissioner Coke said her concern with that is, if they initiate a Conflict Resolution then Mr. Beach, Mr. Boudreaux, Mr. Anderson, and their respective legal people have to meet within... She forgets how many days, but it is a very limited number of days. Then if they don't reach an agreement, the three boards must meet within 20 days.

Commissioner Becht said that is fine then. The motion is simply to adopt the resolution.

Those voting in favor of the adoption of Resolution No. 05-21 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton said just to clarify something. The meetings that were being held were not with City staff. The meetings that were going to be held and that were being held on a weekly basis was between the FPUA staff and the County Utility staff. And when they discussed what was going on - the City Manager, himself, and the City Attorney - that agreement, there are three parties there. So they felt the City should be part of that also. And at that point, that is when things broke down and stopped and came to a halt. So that is where this came from.

The next item on the Agenda was Mayor Benton discussion on status of the old Adams House at 810 North 7th Street.

Mayor Benton said he had some folks come in his office, some developers, on two occasions. They have purchased the whole City block over there between McDonalds and he thinks it is Avenue H, between U.S. #1 and 7th Street. They have proposed five buildings there. There is an old house in the way. Before the hurricane, he knows Cliff Barnes had owned that house. He had a lot of history at that house himself over the years. The house wasn't in bad shape, but since two hurricanes it has been beat up pretty bad. It is his understanding that the numbers they came up with were over \$900,000 to restore that house?

City Manager Beach said somewhere in that vicinity.

Mayor Benton said that was from an architect. He doesn't know, but when they created the Historic Preservation Board, to him he is all for preserving homes and stuff, but this is one home on a whole block. If it can be moved, and it is his understanding from the developer that they have offered to let the house go or give it to someone. But he is hoping they can at least direct staff to work and negotiate something with these people that this project doesn't fall through.

Mr. Ramon Trias, Director of Planning, said he is glad the Mayor

mentioned that because they had a chance to do that on Friday and maybe he hasn't heard about it. But they did work with the architects and they have proposed two alternatives that seem to be very effective and either one may work. They are going to make a formal proposal very soon as part of the site plan process. He has confidence that the solution is going to be very beneficial for both the developer and for the City. As he said, as of Friday he is confident of that.

Mayor Benton said he knows they came to see him last week. They can't always believe what they read in the paper. But he just wants to make sure when they meet with people and they say they have to save that building, that staff works with them.

Mr. Trias said he wants to emphasize that the Historic Preservation Board was the one who made that decision.

Mayor Benton said this is a \$30 million project and it is in an area that is needed so bad, so he doesn't want to lose this.

Commissioner Alexander said his concern is the structure has been there for a long time and dilapidated for a long time. Why hasn't Code Enforcement taken care of that building?

Mr. Trias said that is happening on Wednesday. That is the process.

Commissioner Alexander said he asked why have they not, he is not talking about Wednesday. Why not two years or five years ago?

City Manager Beach said he thinks the out of compliance occurred primarily after the hurricane.

Commissioner Alexander asked oh really?

City Manager Beach said yes. That pushed it to a point to where it initiated some code enforcement activity.

Commissioner Alexander said so that means that none of those officials in this City Hall have been riding up and down 7th Street in the last two or three years then.

City Manager Beach said the Commissioner asked why it hadn't been dealt with previously. What he said was, it hadn't been dealt with previously because the condition of it did not warrant it.

Commissioner Alexander asked really? He is telling him, he begs to differ on that because he has been observing it. He didn't know whose building it was. It is dilapidated. And where is it sitting is right smack on the north side where all these other demolitions are going on except for that particular building.

City Manager Beach said the answer he gave him is the answer. The Commissioner doesn't have to agree with it. That is just the answer.

Mayor Benton said he knows it was in really bad shape even before the storm. But about a year ago Cliff Barnes bought it; and after he did buy it, he did put a substantial amount of money into it fixing it up, but he thinks it was just on the surface. The two hurricanes beat it up that bad. The other question is - and John Alcorn is not here - but how many structures out there through their insurance company and through FEMA and the Building Department, that had more than 50% of the value of the property damaged where there was no rebuilding it, it had to come down. To him, when he heard the cost of \$900,000, it just seemed an

outrageous price. And he hopes it is not something the City wants to take on.

Mr. Trias said he has heard a revised version of that. Clearly it is a single-family house and that original estimate appeared to be exaggerated. Like he said, the good news is that the developer is ready to make a proposal that he believes is going to be beneficial for both the City and the developer.

Commissioner Nelson said he doesn't want to belabor this, but does it appear that the building can be moved? It seems to be a block house.

City Manager Beach said they don't know if it can be moved. They don't know that is the solution. They don't know that is what is going to be proposed. And whether it can be moved or not is a technical decision that would be made by a Building Official, a professional mover, and any number of people.

Commissioner Nelson said they should certainly delay any type of demolition or further condemnation until some solution is worked out. Are there instructions they want to give staff?

Mayor Benton said he just wanted to shine a little light on it because he didn't want to lose that project on that corner because he thinks that is a shot in the arm the City needs and it is in a very needed area.

Commissioner Nelson said staff will stay on top of it and encourage some positive action.

The next item on the Agenda was Discussion on status of lease for Little Jim Bridge Fish Camp.

City Manager Beach said this is an item up for information. Those with a history in Fort Pierce know there is a great deal of interest on that Little Jim Bridge Fish Camp. This came up for lease many years ago and the City entered into a lease agreement with the existing operator (Roberta Miner) and that is going to expire in 2008. So between now and then staff will start a process of request for proposals or request for lease proposals on that property. He wanted them all to be aware of it because it is always a subject of controversy. If they read about it, that is all that is going on, is they are putting that lease back out there for public bid and proposal.

Mayor Benton said they are going to speak to the folks at Little Jim. Because he was here when they filled this room up many times.

City Manager Beach said they are clearly eligible to be part of that process and to submit their proposal. This is just information. They don't need to take any action.

Commissioner Nelson asked historically weren't they losing money, not paying some rent on this? He talked to the City Attorney about this some time ago. Does Mr. Bergalis know anything about this? They were losing money on that Little Jim Bridge.

City Manager Beach said he doesn't know if they were losing money on it. As far as he knows they are in compliance with their lease and the lease calls for making payments on it.

City Attorney Schwerer said that is correct, they are in compliance as far as he knows. This has a long history, so they might not want to go into it right now.

Mayor Benton said this is his opinion on the Little Jim Bridge. To him, he doesn't want to even look at this unless they send a letter saying they don't expect to extend their lease. Number one, that is the last bit of old Florida around; and number two, it is probably one of the most historical buildings. He knows after the hurricanes they put it back together pretty quickly.

City Manager Beach said the situation is their lease is expiring and when their lease expires the City Commission is required to go through a process for releasing public property.

Mayor Benton said but that is two years away.

City Manager Beach said that is correct.

Mayor Benton said in his opinion, they come first if they want to renew their lease because they are already there. He would hate to see another Chuck's built there or another fancy restaurant on something that has historical value for a lot of them. Maybe they should look into the historical value of that place.

Commissioner Nelson said let him comment here. They as a body has to make those kind of decisions.

Mayor Benton said he just gave his opinion.

Commissioner Nelson said he knows. That is why he wants to give his. Let's stay on the process mode and procedures required by protocol and the law that they do these things. Certainly they look at all the aspects of it, the values and all that kind of stuff. But procedurally they have to go through the process of putting it out and asking for RFP's and all that kind of stuff.

Mayor Benton said he said it for a reason because he didn't want it in the newspaper tomorrow morning that the City Commission wants to throw the folks out of Little Jim Bridge. He wants to make it clear.

Commissioner Nelson said no, they don't. They are going through the process.

Commissioner Alexander said along with that, he thought at one time last year they spoke about not only that property but did they speak about the **Anchor Car Wash** (Dixson, Inc. - Best Car Wash) on Okeechobee Road?

City Attorney Schwerer said yes, they did.

Commissioner Alexander asked these other City leases, have they put a grip on that in place?

City Attorney Schwerer said the car wash lease, yes. That is not an issue.

Commissioner Alexander said but they sent it out for any and all leases that the City has for some kind of grip on that, right? That was before the storm. Did they not speak about the car wash and that they wanted to make sure that all the leases are in compliance? They have more than just those two, right? Would there not be some other properties?

City Attorney Schwerer said he knows there are a couple of leases he has dealt with over the past years. But as far as he knows, each one of those lessees is in compliance with the terms of the lease.

Commissioner Alexander said but it did come before the Commission. They didn't get a report on that though.

City Attorney Schwerer said they may not have. The car wash was not in compliance. The Commission directed staff to meet with them and send a demand letter. They met. They had an appraisal done. The terms of the lease. They reinstated their payments. In other words, they had forgotten to make the payments. That is what they indicated when they brought them current. It was determined that the property was City right-of-way for drainage purposes. It was not needed for anything. The Engineering Department signed off on it saying it is not needed for the City. And it was allowed to be continued with the lease of that as long as they made the payments. It was essential for their operation. If they had taken that strip away, the car wash would have to close. Of course, the City is free to revoke that lease at any time they wish. But technically they are in compliance with it.

Commissioner Alexander said he just thought they were going to address all of them.

Commissioner Nelson said his reference previously was to the car wash.

The next item on the Agenda was Report from City Clerk on cost of publishing the **City Commission Agenda** in the newspaper.

City Clerk Steele said they have a memorandum in front of them for consideration. She will do whatever the majority of the Commission wishes.

City Manager Beach said if they all want to start publishing the Agenda, here is the price. Just tell staff yes or no, then that is what they will do.

Commissioner Nelson asked are these prices daily or yearly or whatever the case may be?

Commissioner Becht said semi-monthly.

City Clerk Steele said per ad.

Commissioner Coke said it is \$1,034 a month if they go with 1/4 page or \$12,000 a year.

Mayor Benton said it is \$12,000 a year to let the public know what the Commission is doing here.

Commissioner Nelson said he thinks they ought to televise it.

Mayor Benton said that is going to cost \$100,000.

City Manager Beach said that is not what is in front of them. This is an advertisement.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to start advertising the City Commission Agenda in The Tribune - 1/4 page ads.

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

Mayor Benton said thank you. It has taken years.

The next item on the Agenda was Submittal of Applications for Appointment to the **Construction Board of Adjustment & Appeals.**

City Clerk Steele said they have a vacancy on that Board. Mr. John Langel is the only one who has filled out an application. There will be a resolution on the next Agenda.

The next item on the Agenda was Director of Development request approval of date and location for the **South Beach Charrette**.

Mr. Ramon Trias, Director of Development, said the proposed date is Saturday, May 7th from 10:00 a.m. to 2:00 p.m. The proposed location is City Hall because they have the equipment to record and properly hold the meetings. If there are any conflicts, they could change the date within reason.

City Manager Beach said they have polled most of the Commissioners and found that Commissioner Becht is not available that date. Is that accurate?

Commissioner Becht said if that is what his office told them, then that would be correct.

City Manager Beach said of course, from the rest of them, they would like to find out if that date is acceptable. He is not sure how flexible the Treasure Coast Regional Planning Council staff is.

Mr. Trias said they have some flexibility, but he would encourage them to make a decision tonight so they can certainly pursue this on a timely basis.

Mayor Benton said he will make it fit his schedule. Is everyone okay with it?

Commissioner Nelson said it is all right with him.

Commissioner Alexander said Saturday is unknown to him. His question is, why can't they make this an evening function?

Mr. Trias said typically they need about four hours or so to make it work. And evening meetings that long don't seem to work very effectively, unless one does a multi-day Charrette. So that is why it was proposed for a Saturday. However, he would anticipate to have a presentation later on at an evening where there could be some reaction from the public.

Commissioner Alexander said he just thinks the maker of that request should have the opportunity to be there. But if Commissioner Becht is not concerned about it, he will back off on it.

Commissioner Becht said he is more concerned about it happening. As valuable as he thinks his own input would be, it just needs to happen.

Mayor Benton said he saw some tickets getting written today by the Sheriff's Department and the Police Department. He saw the dogs out there checking the trucks at the foot of the bridge.

Captain Mike Graves, Office of the Sheriff's Department, 4700 West Midway Road, said the Commission requested assistance from the Sheriff specifically regarding **traffic out on South Beach**. Since that date, March 22nd until this morning, there has been 58 citations.

Mayor Benton said thank you. Keep up the great work.

Commissioner Alexander asked did they get a breakdown on that - how many trucks versus residents?

Captain Graves said he can't give them that. The report won't tell him whether these were trucks or what type of vehicle they were.

Commissioner Alexander said he was over there today and they were speeding again.

Captain Graves said the Deputies, if they are running a radar, they are going to stop all violators, they are not going to pick one in particular.

Commissioner Alexander said he understands that too. But maybe it is the time of the day they should be there.

Mayor Benton said he wants to thank the Sheriff's Department. He saw the car with no one alive in it in front of the Coast Guard Station, but it does slow people down.

Commissioner Coke said she got a about the **Grand Savannah** development. She thinks they had required them to put up a fence to prevent them from accessing property behind. She got a call that somebody has just kind of driven over the fence and it has been down for a while and they are riding wherever they want to go.

Commissioner Nelson said **trash** after the storms. There is a dump that has been created off Avenue D and 35st Street. It is out in the County, but it is a real deplorable situation out there. They need to talk to the County about cleaning that up and get rid of that dump. Additionally there is still storm debris up and down 10th Street. There is some they can see quite visibly from Avenue D and Douglas Court in that area. He means big time garbage, big time storm debris. Some of it is residue from people cleaning out their houses now that they have realized that the interior of their home has been destroyed. But seeing that type of residue on the side of the streets as people go up and down the main corridors is quite depressing and it might be a little unsafe.

Commissioner Nelson said considerable damage has been done to their **Housing Authority** stock. Does anybody have a report regarding what their status is and how they are fairing after the storms?

Mayor Benton said they have millions of dollars coming in now.

Commissioner Alexander said they are in the process now of starting to do the repairs. They got their business together.

Mayor Benton said he thinks Congressman Hastings called Mr. Brooks the other day and said they were looking at several millions of dollars and the money would be here. They were supposed to get the money on Friday to start working.

Commissioner Nelson said he hasn't seen anything official.

Commissioner Alexander said they are starting as they speak. He spoke to Mr. Brooks today; and he said that he was meeting with the roofers today for them to get the areas they are going to be working in.

Commissioner Nelson said they all need to be advised of that because the Commission is representing those people too.

City Manager Beach said if he would like, he will ask Mr. Brooks to write a brief report to the Commission.

Commissioner Nelson said he thinks that would be quite appropriate because they might be able to help them in some areas.

Commissioner Alexander said he will have Mr. Brooks give him a telephone call.

Commissioner Nelson said the price on gasoline is going up or has gone up. There was a bill passed in the Legislature saying that **per diem** and food allowance and all that stuff has changed. They are living on the old days of \$5.00 for lunch and \$12.00 for dinner. It isn't enough. And gasoline is out of sight. They need to look into the changing of their per diem versus the allocated amount. He will write a memo on that.

Commissioner Becht said a personal note, he will put this in the Minutes, so this will be a nice gesture. Tonight is his 7th wedding anniversary and he is here, so he needs to get home. But he won't be here on the 18th of April. He will be in Boston. So they can all be thinking about him.

Mayor Benton said he is looking for support of the Commission. Purchasing has **surplus computers** that were either used by the Police Department or City staff that are old and decommissioned. Weed & Seed has some girls who are volunteers there. He is wondering if they could let Weed & Seed use those computers. They have a lot of work and this would help them.

Commissioner Coke said these are probably obsolete; but if they want them, it would be a good thing to give them.

Mayor Benton said he thinks it would help them out quite a bit. Is that okay with everyone?

Commissioner Becht said he has no problem with Weed & Seed. But what about Boys & Girls Club or something like that?

Mayor Benton said he was going to come back to the Commission when he finds out how many. Because he thinks if they could have some kind of criteria put together so they knew which kids deserved them or something or what program.

Commissioner Becht said who can use them.

Mayor Benton said right. He knows they have several a year and he guesses Marjorie Gaskin decommissions them. But they don't need to be sitting there collecting dust. And Weed & Seed is one of the better programs they have in this community.

Commissioner Alexander said they can have a pro-active effect on that. Let them go out and find someone who needs them.

Mayor Benton asked is that okay with everyone?

Commissioner Nelson said he thought the Purchasing Director had authority to handle that.

Mayor Benton said he just wanted two for Weed & Seed right now because they have volunteers.

There being no further business, Mayor Benton declared the meeting adjourned at 10:35 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER