

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, June 28, 2021

The City Commission met in formal session Monday, June 28, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
J.B. Miller, Land Development Coordinator
Barry Fox, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Minister Alexius Ferguson, Words of Life Ministries, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, requested that Item 10.B. 'Update of the goals and accomplishments by the St. Augustine Police Department' be heard as Item 7.B.1. 'Items of Great Importance', with other sections to follow accordingly.

MOTION

Commissioner Horvath **MOVED** to approve the Regular Agenda as modified at the recommendation of the City Manager. The motion was **SECONDED** by Commissioner Valdes.

VOTE ON MOTION

AYES: Horvath, Valdes, Blonder,
Sikes-Kline, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Special Presentation of the American flag to Sally Gardner in recognition of former Mayor George Gardner's contributions to the City of St. Augustine.

Mayor Upchurch acknowledged former Mayor George Gardner who recently passed and had served on the Commission from 2002 to 2008, the first four years as Mayor. He recognized Mayor Gardner's wife, Sally, and his family and friends who were present.

Mayor Upchurch credited Mayor Gardner for his important leadership and advocacy on mobility issues, bonding money to construct the parking garage, wayfinding signage and shuttles, the residential parking system, and establishment of neighborhood associations with a collective voice. He stated his greatest memory of Mayor Gardner was as a journalist and his tireless community gift of the *St. Augustine Report*. He expressed appreciation for Ms. Gardner and the support for her husband which enabled Mayor Gardner's success.

Commissioner Sikes-Kline concurred with Mayor Upchurch and remembered Mayor Gardner's strong advocacy for government transparency, being accessible to everyone, and his ability to listen no matter whether he agreed or disagreed. She extended her deepest sympathy to the Gardner family.

Commissioner Valdes noted his appreciation for Mayor Gardner's 'real moments', objectivity, transparency, advocacy and problem approach which inspired the Commissioner's involvement in public service, and they were all better people for knowing him.

Mayor Upchurch presented Sally Gardner with the American flag that had flown over City Hall at half-staff on Sunday, May 23, 2021 in memory of Mayor Gardner.

Ms. Gardner thanked the Commission for their acknowledgement of her late husband and noted his greatest passion was the *St. Augustine Report*.

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA

ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Doug Russo
- Charles Pappas
- Melinda Rakoncay
- Lauren Giber
- Wolfgang Schau
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

Mr. Regan read the Consent Agenda.

CONSENT AGENDA – JUNE 28, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JULY 12, 2021:

(None)

CA.3. REMINDER OF UPCOMING MEETINGS:

- June 30, 2021, 12 noon, First Baptist Church Groundbreaking Ceremony
- July 12, 2021, 5pm, City Commission Meeting
- July 26, 2021, 5pm, City Commission Meeting CANCELLED
- August 9, 2021, 3pm, Special Budget Meeting
- August 9, 2021, 5pm, City Commission Meeting

CA.A. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

(None)

CA.5. RELEASES OF LIEN FOR UNIT
CONNECTION FEE MORTGAGE(S):

(None)

CA.6. PROPOSED PROCLAMATIONS,
CERTIFICATES OF APPRECIATION /
RECOGNITION. (COMMISSION
APPROVAL REQUIRED). (TO BE READ
AT A SUBSEQUENT MEETING).

- Proclamation 2021-13: Proclaims the year 2021 as Florida's Territorial Bicentennial. (N. Sikes-Kline, Vice Mayor)

CA.7. NOTIFICATION OF
PROCLAMATIONS / CERTIFICATES OF
RECOGNITION ISSUED:

(None)

End of Consent Agenda

Commissioner Sikes-Kline noted the 200th Territorial recognition Proclamation would go to the Florida League of Cities for acceptance and statewide publication.

**5.A. Additions, deletions or
modifications to Consent Agenda**

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Blonder MOVED to approve the Consent Agenda. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE.**

6. APPEALS

(None)

**7. GENERAL PUBLIC PRESENTATIONS,
ITEMS OF GREAT PUBLIC**

**IMPORTANCE, AND OTHER ITEMS
REQUIRING PUBLIC HEARINGS**

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

7.B.1. Update of the goals and accomplishments by the St. Augustine Police Department within the last five years.

(Previously Item 10.B.1.)

Barry Fox, Chief of Police, announced his nearing retirement. He delivered a thorough update regarding the St. Augustine Police Department (SAPD)'s previous five-year goals, which involved departmental enhancements, recruitment and retention, community involvement, crime and accreditation.¹ He acknowledged the achieved goals of the following SAPD Officers:

- Led SAPD Vehicle Rebranding initiative:
 - Commander Jennifer Michaux
- Led Uniform Redesign initiative:
 - Corporal Brittney Garmon
 - Sergeant Michael Castaing
- Led initiative to establish Mesh Camera System within Historic Downtown:
 - Commander Steve Fricke, Retired
- Led initiative to transition excess weapons into less lethal weapons:
 - Sergeant Jerry Whitehead
- Controlled and maintained 59 camera system in Historic Downtown:
 - Sergeant Jerry Whitehead
- Trained for and taught the appropriate less lethal weapon shotgun ammunition:
 - Sergeant Michael Castaing
- Led effort for assistance on Crisis Intervention Training from St. Johns County Sheriff's Office:
 - Sergeant Richard Warner

¹ Updated presentation included with original minutes

- Initiated establishment of civilian "Traffic Control Assistant":
 - Corporal Jeff Truncellito
 - Corporal Chris Miller
- State selected for Task Force that reviewed use of force curriculum through the CJSTC Criminal Justice Standards and Training Commission:
 - Corporal Brittney Garmon
- Achieved subject matter expert status on State of Florida appeals with testing police officer recruits:
 - Corporal Brittney Garmon
- Ensured safety of 350 – 400 officers by riding alongside Police Unity Tour participants:
 - Officer Patrick Harvey
 - Sergeant Brian Frasca
- Organized the Quality of Life program:
 - Jaques Carliestro, Volunteer, Deceased
- Instructed the Women Against Violent Encounters (WAVE):
 - Sergeant Michal Ochkie
 - Corporal Brittney Garmon
- Started Active Shooter training throughout churches and businesses:
 - Sergeant Richard Warner
- Propagated Coffee with a Cop events:
 - Officer Gary Johnson
 - Officer Dee Brown
- Supervised deployment of 12 police officers to City of Lynn Haven to relieve their officers after Hurricane Matthew:
 - Sergeant Richard Warner
 - Sergeant Brian Frasca
 - Sergeant John Niederriter

Chief Fox announced that on June 24, 2021, the Commission for Law Enforcement Accreditation approved the SAPD, one of 45 law enforcement agencies in the State to be accredited, at 100% of standards met. He stated SAPD officers would wear lapel pins and display stickers on patrol cars to indicate this accreditation. Chief Fox thanked the Commission for their support, and he commended the entire SAPD for this

achievement. He recognized the following individuals:

- Jennifer Smalls, Accreditation Manager, was instrumental in accreditations achievement
- Commander Jennifer Michaux kept officers on track to achieve targeted goals
- Commander Pat McCauley wrote the policies on accreditation

Mayor Upchurch recognized the meeting was Chief Fox's last as Chief of Police and asked for Commissioner comments.

Commissioner Sikes-Kline acknowledged Chief Fox's wonderful community relationship, his 'humanness', ability to make others feel safe, accessibility, supporting the betterment of other officers', and openness to new ideas which had brought modernization to the SAPD. She thanked the Chief for his service and for being a great public servant.

Commissioner Horvath concurred with Commissioner Sikes-Kline and thanked Chief Fox for his five years of leadership and for the SAPD making her feel safe.

Commissioner Valdes stated law enforcement was challenged nationwide, and he appreciated the manner with which Chief Fox ran the SAPD and the officers' respect for him. He stated Chief Fox set the bar for other police departments which was needed across the nation.

Commissioner Blonder stated she was overwhelmed by Chief Fox's leadership, time with the community, the accreditation, and his humanity, and she applauded him for the SAPD's accomplishments.

Mayor Upchurch stated his biggest impression of Chief Fox and the SAPD was their committedness, compassion, and ability to see the humanity of the homeless population. He commended the Chief's flexibility during the 2020 summer protests,

appreciated his sense of humor, the SAPD accreditation achievement, and finding a perfect replacement for Police Chief. He noted he was a better person for having worked with Chief Fox the past few years.

Mr. Regan acknowledged Chief Fox as a great leader who kept the City and workplace safe, left a workplan for successors in all ranks, and taught him to appreciate the men and women that put on a badge to maintain the safety of others. He stated working with Chief Fox trained him through all the trials and tribulations to take those experiences and make every decision as City Manager thinking of the SAPD first.

A ceremonial procedure took place which included the presentation of a Certificate to Chief Fox from the Commission, memorabilia from the SAPD, and a letter from Governor Ron DeSantis.

Commander Michaux stated the American flag would fly above the SAPD on Wednesday, June 30th to honor Chief Fox.

Chief Fox expressed his appreciation for the men and women in uniform that made the SAPD.

7.B.2. Presentation by counsel regarding a proposal for the settlement in the opioid lawsuit involving:

(Previously Item 7.B.1.)

- **A Memorandum of Understanding (MOU) setting forth the proposed allocation agreement;**
- **A list of core strategies and approved uses (exhibit to MOU);**
- **Correspondence summarizing terms of the agreement;**
- **Resolution 2021-22 approving the MOU**

Isabelle Lopez, City Attorney, stated the City joined a multidistrict lawsuit against suppliers of opioid medications to support

affected communities. She noted Commission approval was required for an MOU that set forth a proposed allocation of funds received from the lawsuit. She introduced Eric Romano, Managing Partner, Romano Law Group, to discuss the MOU and the Purdue Pharma bankruptcy.

Mr. Romano stated the bankruptcy court recently released a proposed distribution plan which would allocate several billion dollars to various state and local U.S. municipalities. He noted the MOU was a proactive attempt by local Florida representatives to reach an agreement with the State in advance to set terms and allocate settlement funds that would apply to any settlement reached with the pharma defendants, including the Purdue Pharma bankruptcy.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-22. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mr. Romano noted the Purdue Pharma bankruptcy planned to allocate funds totaling \$5 to \$7 billion dollars to be distributed, dependent on numerous variables, over many years. He requested the Commission's authority for Romano Law Group to vote 'yes' with the bankruptcy court to acknowledge the proposed distribution.

MOTION

Mayor Upchurch MOVED to authorize counsel to vote yes on the proposed Purdue bankruptcy matter. The motion was SECONDED by Commissioner

Horvath and APPROVED BY
UNANIMOUS VOICE VOTE.

7.B.3. Presentation of a preliminary, non-binding Term Sheet regarding a proposal for a joint parking garage with Broudy Bros., Ltd.

(Previously Item 7.B.2.)

Ms. Lopez reviewed the Term Sheet, developed to explain potential informal negotiations between the City and Broudy Bros., Ltd, for conceptual negotiations on the Commission's behalf by the City Attorney or Mr. Regan with Mr. Barry Broudy.² She stated Mr. Broudy was present and desired to move forward with future site development applications, and if the Commission approved the Term Sheet, discussions could begin for a formal Letter of Intent.

The Commission discussed:

- 500 regular and 25 handicap parking spaces would cost approximately \$10 to \$12 million
- City could not construct a garage for the same amount of money; VIC garage and remodel cost approximately \$23 million
- Make the entities responsible for upkeep and maintenance clear under 'Operation'
- Under 'Design and Construction' term, facilities should have verbiage 'maintained in good and safe' condition

MOTION

Commissioner Blonder MOVED to approve the preliminary, non-binding Term sheet as presented between the City and Broudy Bros., Ltd. The motion was **SECONDED** by Commissioner Horvath.

² Included with original Commission packet

VOTE ON MOTION

AYES: Blonder, Horvath, Valdes,
Sikes-Kline, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

(None)

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

9.B.1. Resolution 2021-27: Requests the St. Johns River Water Management District and the Florida Department of Environmental Protection reduce permit application fees.

Reuben Franklin, Director, Public Works, reviewed the Resolution.

MOTION

Commissioner Sikes-Kline **MOVED** to pass Resolution 2021-27. The motion was **SECONDED** by Mayor Upchurch.

VOTE ON MOTION³

AYES: Sikes-Kline, Upchurch, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2021-28: Approves the issuance of the City's Capital Improvement Refunding Revenue Note, Series 2021 for the purpose of refinancing the City's 2011B Capital Improvement Refunding Revenue Bonds.

Mark Simpson, Director, Financial Services, reviewed the Resolution and advised the City would achieve substantial savings to refinance the Capital Improvement Refunding Revenue Note to 1.312% with PNC Bank, for a savings of \$610,000. He noted long-term debt was fairly new since the 2008 recession; therefore, when debt could be recalled or refunded, it was re-financed. He advised the Commission of his intentions to provide a more robust analysis of all City debt as part of capital improvement planning, and he stated capital improvements should be paid for with long-term debt. He stated the monies to pay PNC Bank was taken mainly from the General Fund; however, it could be pulled from two or three different City funds.

MOTION

Commissioner Horvath **MOVED** to approve Resolution 2021-28. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Valdes, Blonder, Upchurch

³ Commissioner Blonder took a brief recess and was absent for the vote

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

10.A. Proposal to formally negotiate the transfer of right-of-way ownership of King Street, Cathedral Place, Cordova Street and the San Sebastian Bridge with the Florida Department of Transportation.

Mr. Franklin reviewed the Proposal and stated the City would own everything between the intersection of US1 to the base of the Bridge of Lions; however, the Florida Department of Transportation (FDOT) would maintain control of the two intersections. He summated the planning process to date, proposal costs including improvements and maintenance, and noted the importance of the decision for the City's future in mobility planning.⁴ He requested the Commission's permission to move forward on negotiating a formal transfer of King Street. He introduced George Kramer, Planner, S&ME, Inc.

Mr. Kramer reviewed the project phases and improvement opportunities along the King Street corridor, and discussed County resident growth, impact of automobiles, and shared parking.

The Commission and Mr. Regan discussed:

- County population doubled from 1998 to 2015
- All processes required public vetting through community outreach and interactive community workshops
- Tremendous amount of work ahead, including FDOT negotiations; it took 32 meetings to reach a decision on the 2003 parking garage

⁴ Included in original Commission packet

- City had the minds to create an exceptional outcome with opportunity for citizens to take control of City's destiny
- Opportunity to be transformational, and citizen's ideas should be explored and cultivated to address challenges
- City's input should be binding with FDOT on the bridge reconstruction over the San Sebastian

Mayor Upchurch stated this decision was a preliminary step to authorize City staff to negotiate with FDOT, and should a deal be secured, City staff would bring it before the Commission. He reiterated there would be multiple opportunities for conversation, discussion, and public input.

MOTION

Mayor Upchurch MOVED approval to authorize City staff to negotiate terms and conditions for transferring King Street to the City of St. Augustine. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Blonder, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

10.B. Presentation of the state approved Fish Island Preserve Management Plan with an update on the project to date and request for approval.

(Previously Item 10.C.)

J.B. Miller, Land Development Coordinator, discussed the project, acknowledged the City's partners, noted the to-date accomplishments, and reviewed upcoming projects.

Commissioner Blonder thanked Mr. Miller for the hard work with the plan preparation and getting it through the State process. She questioned any significant changes

made by the Department of Environmental Protection (DEP). She asked about the observation platforms and plans to trim mangroves to preserve the view.

Mr. Miller stated the DEP had only one sentence change. He noted the plan to place two observation platforms, which would have zero impact on the wetlands.

At the request of Commissioner Sikes-Kline, Mr. Miller advised the invasive species found were: Brazilian pepper, Chinaberry tree, Chinese tallow-tree, Camphor-tree, Lantana, and sword fern. He noted the contractor found four additional invasive plants which were pulled, and those they were unable to remove would be treated with herbicide using all State guidelines.

Commissioner Valdes offered his building expertise to assist Mr. Miller with suggestions and project estimates.

Mayor Upchurch thanked Mr. Miller for his project leadership and expertise.

MOTION

Commissioner Horvath MOVED approval of the Management Plan. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Blonder, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY ATTORNEY

11.A. Statutory notice of proposed Madeira CDD budget. No action necessary.

Ms. Lopez reviewed the topic, stated there was no action item necessary other than to convey any Commissioner comments to the Community Development District (CDD).

There were no comments from the Commission.

12. ITEMS BY CITY CLERK

12.A. Request for two appointments to the City's 1977 City Employees' Retirement System.

Darlene Galambos, City Clerk, requested the Commission's selection of two candidates from the following applicants to fill term expirations on the 1977 City Employees' Retirement System:

- Jeffrey Helms
- Tyler Corn
- Cheryl Hodge

Ms. Galambos provided the Commissioners with ballots.

Mayor Upchurch disclosed that Tyler Corn was his son's business partner; however, there was no compensation for serving on this Board, and Mr. Corn possessed several certifications in the field and would bring a level of beneficial expertise.

Ms. Galambos read the Commissioner's ballots into the record:

Mayor Upchurch:

- Jeffrey Helms
- Tyler Corn

Commissioner Sikes-Kline:

- Jeffrey Helms
- Cheryl Hodge

Commissioner Blonder:

- Jeffrey Helms
- Cheryl Hodge

Commissioner Valdes:

- Jeffrey Helms
- Tyler Corn

Commissioner Horvath:

- Jeffrey Helms

- Tyler Corn

The Commission elected Jeffrey Helms and Tyler Corn to serve on the Board.

13. ITEMS BY CITY MANAGER

13.A. Request approval to place an interpretive plaque at the park on the east side of the Bridge of Lions.

Mr. Regan reviewed the topic and advised the Commission any plaque in any public space required their approval, and he apologized for his mistaken belief it was within his authority to approve them. He recommended approval of the interpretive plaque and requested the Commission's approval.

Mayor Upchurch commended the nice job done and the maintaining of the plaque, and he noted it was a lovely addition.

MOTION

Mayor Upchurch MOVED approval to place the plaque at the park. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Upchurch, Horvath, Blonder, Valdes, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch thanked Mr. and Mrs. Wolfgang Schau for their generosity and involvement with the project.

Mr. Regan stated that at the suggestion of Commissioner Blonder, plaques and monuments of this nature should have guidelines established for the future.

13.B. Review of schedule of events for 200th Anniversary of the establishment of Florida as a United States Territory.

Mr. Regan reviewed the schedule of public events and the groups working with the City, and he noted the goal was to show civilian and military support. He advised the Spanish Ambassador to the United States, the Consulate General in Miami, and the Foreign Minister of Spain would attend the event.

Mayor Upchurch expressed his appreciation for Mr. Regan's leadership with the event and commended Melissa Wissel, Communications Director.

Commissioner Sikes-Kline noted her excitement to meet the Menorcans and hear their survival story, and she thanked Mr. Regan for making this event occur.

Mr. Regan advised that Hunter Conrad, County Administrator, sent a letter asking the City to prepare 2022 legislation action plan items with focus on financial or legislative assistance by the Friday, July 16th deadline. He asked the Commission to bring their ideas to the July 12th meeting, and with consensus he would forward their items to the County.

Mayor Upchurch requested that City staff note this was a reapportionment year, and the City should be retained within a single entity in all legislative re-districting.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder shared that members of the community expressed interest in an ordinance prohibiting the release of helium balloons, which endangered wildlife and sea animals. She asked staff to draft an ordinance for review and consideration by the Commission.

There was Commission consensus for Ms. Lopez to draft an ordinance for the Commission's review.

Commissioner Blonder agreed with the public comment of Charles Pappas, that it

would be beneficial to allow the public to provide comment after the Commission's conversations. She requested Commission support to alter the meeting proceedings to accommodate this request.

Commissioner Blonder acknowledged the Surfside, Florida tragic building collapse that nationally and globally affected people and stated all were in her thoughts and prayers.

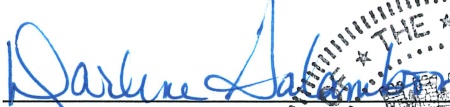
Commissioner Sikes-Kline advised the Board of County Commissioners (BCC) proposed, at the suggestion of Commissioner Henry Dean, the BCC would allocate the fifth penny bed tax with 60% for beach renourishment, 20% for the newly created boating access category and 20% for marketing and advertising. She noted the BCC had not made a final decision, and there was considerable consternation with the tourism industry, so she asked her fellow Commissioners to individually and as a group contact the BCC.

Mayor Upchurch noted Mr. Miller had given him Ordinance Number 1, issued by Major General Andrew Jackson on July 18, 1821, when the City of St. Augustine was officially created under American authority, and had created an office of mayor, aldermen and city council, and prohibited gambling and selling liquor to soldiers.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 P.M.⁵


Tracy Upchurch, MAYOR


Darlene Galambos, CITY CLERK

⁵ Transcribed by Laura Morse

