

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 23, 2021

The City Commission met in formal session Monday, August 23, 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
Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Jennifer Michaux, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Upchurch delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

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

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Proclamation 2021-15: Proclaims August 26, 2021 as Women's Equality Day

Commissioner Horvath read the Proclamation.

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:

- Jenny Wolfe, Florida Trust for Historic Preservation
- Ennis Davis, Florida Trust for Historic Preservation
- Shawn Morrison
- Chris Fulmer
- Melinda Rakoncay
- Doug Russo

- Lauren Giber
- B.J. Kalaidi

Public comment was closed.

Mayor Upchurch requested a status of the meeting broadcast.

Meredith Breidenstein, Assistant City Manager, advised the meeting was streaming on the online platform which was where most viewership existed. She stated the meeting was not broadcasting on GTV due to a component issue, it was the County's channel, and the City required access. She indicated a City channel may be necessary, and the topic would be addressed with the Commission at a future meeting.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda:

CONSENT AGENDA – AUGUST 23, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON SEPTEMBER 13, 2021:

- Ordinance 2021-17
- Ordinance 2021-19
- Ordinance 2021-20

CA.3. Reminder of Upcoming Meetings:

- September 9, 2021, 5:05pm, Special Budget Meeting CRA
- September 9, 2021, Immediately Following CRA, Special Budget Meeting
- September 13, 2021, 5:00pm, Regular City Commission Meeting
- September 23, 2021, 5:05pm, Second and Final Special Budget Meeting

- September 27, 2021, 5:00pm, Regular City Commission Meeting

CA.4. 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).

(None)

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

- Proclamation 2021-17: Proclaiming National Hispanic Heritage Month from September 15th to October 15th to be presented on September 13, 2021. (*T. Upchurch, Mayor*)

CA.9. Approval of the collective bargaining agreement between the City of St. Augustine and the Professional Firefighters of St. Augustine for a three-year period from October 1, 2021 until September 30, 2024. (*D. Hayes, Director Human Resources*)

CA.10. Approval of grant awarded to the St. Augustine Police Department by the Florida Department of Law Enforcement, Office of Criminal Justice Grants in the amount of \$17,264.00 which will be used for virtual training equipment. (*J. Michaux, Chief, St. Augustine Police Department*)

CA.11. Approval of the final subdivision plat for Whispering Creek townhomes subdivision. (*D. Birchim, Director, Planning and Building*)

CA.12. Approval of invoice from Cavendish Partners, P.A. for legal services in July 2021 regarding MASCI General Contractors, Inc. v City in the amount of \$1,149.75. (*I. Lopez, City Attorney*)

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline **MOVED** to approve the Consent Agenda. The motion was **SECONDED** by Commissioner Valdes.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

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. Presentation required in order to apply to the Florida Department of Economic Opportunity for Round Two Rebuild Florida General Infrastructure Program for funds for projects that minimize or eliminate risks from future disasters

Jessica Beach, Chief Resiliency Officer, reviewed the topic and the \$175 million funding opportunity, of which the City had requested a total of over \$19 million for construction and administration costs for the Lake Maria Sanchez Drainage and Seawall Project (Project). She delivered a presentation, highlighted the engineering components, pump station, ultimate goals, and the level of protection the City sought for the Project.¹ She advised a public hearing was required.

Public hearing was opened, and the Commission heard from the following:

- B.J. Kalaidi

Public hearing was closed.

Mayor Upchurch verified with Ms. Beach that no action was required by the Commission, and the public could submit additional comments through September 3rd to the email and phone contact information which was posted through a public notice.

Commissioner Blonder expressed support for the Project. She summated sea-level rise and future projections from the Intergovernmental Panel on Climate Change (IPCC) report, which reinforced her opinion of the Project.

Ms. Beach informed Commissioner Blonder of the following:

- Displacement of citizens was not expected during the Project, as asked by B.J. Kalaidi during public comment
- The pump station preventing tidal movement into and from Lake Maria Sanchez was reviewed closely; the design was changed to keep it functioning as it currently did, which did not allow for fluctuations, and a pinch valve would shut off the flow temporarily for the duration of an event

¹ Included with Commission packet

- An intake structure existed that should not negatively impact the sea life

Commissioner Blonder thanked Ms. Beach and the entire team for their hard work.

Commissioner Valdes expressed concern that Oyster Creek no longer grew mangroves because of the water salinity. He stated if the salt content was maintained at Lake Maria Sanchez, it would be a mangrove marsh within ten years. He noted the City had an opportunity to address a future problem which he wanted on record, and he recommended that a conversation take place among the Commission.

Commissioner Sikes-Kline noted the Commissioners had differences of opinion regarding the mangroves, a conversation was worthy, and she was also concerned.

Commissioner Horvath advised work was ongoing for permitting the trimming of some mangroves, but she was not aware of the location or how often it would occur.

Ms. Beach stated there were resident concerns with the management of migration mangroves which was researched, the Department of Environmental Protection (DEP) was contacted, and there were State regulations in place for mangrove trimming.

Reuben Franklin, Director, Public Works, indicated that three sites were being looked at, which included Coquina Park. He stated they were working through the difficult permitting process and an additional information survey had been requested. He noted mangroves must be a minimum of six feet to trim which must be done by a certified mangrove trimmer. He stated the goal with Lake Maria Sanchez was to include the existing mangroves with the management permit to continue to trim and maintain them as part of the permit. He concluded that originally a freshwater stormwater management system was planned with Lake Maria Sanchez; however,

resident feedback encouraged maintaining the existing saltwater environment.

Mayor Upchurch agreed this was an important issue which required further conversation.

In response to Mayor Upchurch's inquiry regarding the timing for awarded grants, Ms. Beach stated the following:

- By Summer 2022, all materials should go to FEMA at the State level
- They should hear back on the CDBG funding for Rebuild Florida in June 2022
- Funding was sought for Round 2, not Round 1 as they wanted to be further along with design, have better cost estimates, and make it competitive
- Program was competitive; Round 1 had over 400 applications and only 20 received funding
- The Project was strong, and if funding was not received this cycle, they could apply during next year's cycle

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-13: Makes amendments to Chapter 11, Section 11-29, Standards of Review for Conservation Overlay Zone 2

Isabelle Lopez, City Attorney, reviewed the Ordinance which included the changes from the August 9th Commission meeting.

Public hearing was opened, and the Commission heard from the following:

- B.J. Kalaidi
- Lauren Giber

Public hearing was closed.

At the request of Commissioner Blonder, Ms. Lopez agreed this was a stop gap measure, as City staff worked to closely align the Conservation Overlay Zone criteria and restrictions with the Comprehensive Plan, and it was her understanding that an ecologist would be hired.

Commissioner Blonder supported the revised language and urged City staff to quickly move to align the zones with the Comprehensive Plan.

MOTION

Commissioner Blonder MOVED to pass Ordinance 2021-13 on second reading, read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 11, ARTICLE II, SECTION 11-29 PROVIDING CLARIFICATION AND CONSISTENCY OF PERMITTED STRUCTURES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2021-15: Amends Section 20-219 of the City Code to correct a scrivener's error

Ms. Lopez reviewed the Ordinance which corrected a scrivener's error in the

Firefighter's Pension Trust Fund section of the City Code.

Public hearing was opened; however, there was no response.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-15 on second reading, read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 20-219 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2020-33 RELATING TO THE FIREFIGHTERS' PENSION TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.3. Ordinance 2021-16: Defines the craft alcohol industry

Ms. Lopez reviewed the Ordinance which created a new definition in the zoning code regarding craft alcohol industry and better explained the manufacturing involved. She stated the first reading pertaining to where the zoning category would be included would be at a future date.

Public hearing was opened, and the Commission heard from the following:

- B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-16 on second reading, read by title only. The motion was SECONDED by Mayor Upchurch.

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO INCLUDE THE DEFINITION OF CRAFT ALCOHOL INDUSTRY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

8.B.1. Ordinance 2021-17: Provides zoning for the craft alcohol industry

Ms. Lopez advised this first reading was unusual, since per Florida Statutes, once allowable uses were changed within a particular zoning category it required a public hearing. She stated that Planning and Building staff ensured all existing craft alcohol industries were included in those zoning categories.

Public hearing was opened; however, there was no response.

Public hearing was closed.

David Birchim, Director, Planning and Building, addressed the concerns of Commissioner Sikes-Kline regarding 'manufacturing', and stated bars were still 'use by exception' in the HP districts; however, microbreweries were acknowledged, such as A1A Aleworks, which existed prior to the adoption of this use definition, and they did not want to make establishments non-conforming by enacting the law.

Commissioner Sikes-Kline indicated that A1A Aleworks no longer manufactured their own beer, and Dog Rose brewery was not in an HP district. She preferred that in districts where proliferation was seen, that alcohol manufacturing or serving establishments go through the permissible by use exception process, and existing establishments could be grandfathered.

Commissioner Horvath stated the question was if the establishment no longer manufactured alcohol, did they still have a permit to manufacture in HP1.

Commissioner Valdes questioned the City's obligation to grandfather an establishment if it no longer manufactured alcohol, since there was no license for it.

Mr. Birchim assured the Commission he would review the licenses, and that his intent was to keep establishments legal who currently had this use. He confirmed the establishments could be grandfathered; however, the City would be making them a legally existing non-conformity by doing so. He stated that an establishment could continue to operate the same type of business and get a use by exception and approval, which would stop manufacturing and selling at a retail level. He concluded the Commission could re-review, if so desired, to make this a use by exception in HP2 and HP3.

MOTION

Mayor Upchurch **MOVED** to table Ordinance 2021-17 and ask staff to come back and address the concerns. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE.**

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

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

9.A.1. Ordinance 2021-19: Rezoning the Sebastian Inland Harbor Planned Unit Development (PUD) of 159 King Street (PID# 203350 0030, 203470 0000) to Residential General and Office (RGO)

Mr. Birchim reviewed the Ordinance and highlighted the following:

- Two Ordinances existed since there were two separate parcels under different ownership, but the application was identical
- Ordinance 2021-19 was under the SA Marina Holdings portion of the property
- Current PUD zoning allowed all uses as RGO allowable uses; therefore, the rezoning would not change any permitted uses for the property
- PUD allowed 50 feet of building height with an additional 15 feet above the roof deck to screen mechanical equipment, and allowed a 90-foot tower
- Proposed RGO zoning allowed 50 feet of building height with only five feet above the roof deck to screen mechanical equipment, and did not allow the 90-foot tower
- PUD zoning defined the number of parking spaces at 636 for the overall

property use, and RGO zoning would require fully code compliant parking

- Site was partially developed as a surface parking lot, a marina basin existed, Riverwalk pilings were installed, and trees and vegetation were mostly cleared
- Planning and Zoning Board (PZB) made positive recommendation to rezone the property to RGO on August 23rd

In response to Commissioner Horvath's concern that the plans in their packet were the same as those for the PUD, Mr. Birchim stated the Commission was approving the rezoning application and not a development.

Mr. Birchim advised Mayor Upchurch that the applicant would not need to return to the PZB or the Commission unless there was a detail requiring approval, such as a setback variance or a tree removal.

Mayor Upchurch inquired about the existing PUD expiring in April 2022 and questioned why the Commission would consent to rezone at that time.

Mr. Birchim read the rules of the phasing schedule which stated construction must commence by April 23rd and completed by April 23, 2027. He defined commencement as the City's approval of construction plans for horizontal infrastructure within the property; therefore, the April 23, 2022 was the commencement deadline for the PUD. He noted if the property owners did not have approval of construction plans for horizontal infrastructure by the deadline, they would fall out of the phasing schedule, it would remain a PUD, but would be viewed as an expired PUD, and the owners would have to go through a rezoning process. He provided the two options:

- Amend the PUD and extend the phasing schedule (the City Commission did this several years ago)

- Rezone the property to a conventional zoning category, such as RGO, which was the applicant's request

Commissioner Sikes-Kline stated they all worked really hard over the years, there was much cooperation, anticipation, conversations, and many promises, and she was disappointed at the current state of the issue. She requested the Commission consider an eight-month 'cool off' period and not rezone the PUD.

Ellen Avery-Smith, Rogers Towers, PA, summated the two-year history of SA Marina Holdings' (Applicant) attempt to revise the PUD zoning of their property:

- Attempted to make as many people in the City as happy as possible
- Firm and applicant worked hard to fix the items requested by the PZB which unanimously recommended approval
- They listened to the City Commission and worked for several months with City staff to develop a plan
- The marina was constructed following the approval of the original PUD in 2004, and because it existed, the City Code would not allow it to be counted as developable land for the purpose of residential density
- Applicant was unaware of the marina issue and counted on the residential density to get the minimum 150 multi-family units that drove the amended PUD
- After discovering there was not enough developable land to support multi-family units, which were extremely costly since the buildings had to be constructed on pilings (it did not make financial sense to construct fewer than 150 multifamily units), they had to get rid of the project's multi-family component
- Unable to generally address all Commissioner and public comments, and at that time the public did not want the PUD

- Property was zoned RGO until 2004, and the district was the companion to the residential medium density mixed future land use the City Commission assigned the property many years ago
- RGO was the property's historic zoning district and the applicant desired to return to that zoning
- All uses that were allowed in an existing PUD today were RGO uses

Ms. Avery-Smith apologized to the Commission for being this far along in the process without herself or her team providing this information to them and the public. She stated the owners invested a lot of money for attempts to make this work, and from a legal perspective, delaying the process would delay the inevitable with more months of public consternation.

Mayor Upchurch clarified this was not a public hearing, but that opportunity would come, and Ms. Avery-Smith had the privilege to speak as the developer's representative.

Ms. Lopez indicated there was some misconception as the Project had commenced and the winery was part of the PUD based on the definitions provided by Mr. Birchim regarding the PUD and construction commencement. She concluded the City Codes' PUD section not only discussed commencement, but the language for the reversion back to RGO stated 'timely commence and a complete development of all or part of the phases'; therefore, there was no reversion by delaying the commencement, although factually commencement had occurred within the entire PUD which included the winery.

Mayor Upchurch asked if the PUD had commenced, then could it ever die for lack of inactivity, and he was advised by Ms. Lopez that yes, per the City Code it was both timely commencement and completion.

Commissioner Blonder appreciated Ms. Avery-Smith's explanation of the developer's position. She asked for clarification on case law as it related to the PUD process and the City Code, stated the applicant purchased the property with the PUD, and she asked how the previous and other decisions for Code at the State level apply to this re-zoning request.

Ms. Lopez advised that case law was intertwined and built upon one another. She referenced *Brevard County v Snyder* which was a landmark quasi-judicial zoning case that established a three-part test:

- Procedural due process
- Decision must be based on competent substantial evidence
- Application of the correct law

Ms. Lopez referenced the second Porpoise Point case where the court fundamentally stated someone could not be forced to be or remain a PUD. She said this, combined with all procedural processes, meant any applicant could apply for PUD re-zoning or a traditional zoning category, then evidence was required on whether it met the Comprehensive Plan and whether the applicant met all City Code criteria and if the burden was met, it shifted back to the City to justify saying no.

Mayor Upchurch clarified it was strictly coincidental that they were referring to the Porpoise Point case which arose in the community and was a decision of the Fifth District Court of Appeals.

Commissioner Valdes was prepared to pass the Ordinance to second reading so citizens could discuss the topic. He stated it was something the City needed when the property was sold to developers in 2004, and the best thing for the property currently was for nothing to be built; however, this was not the reality. He indicated they were putting off the inevitable to push this back, and the sooner the tax revenue would start,

the sooner the City could use the money for important things.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2021-19 on first reading, place on second reading read by title only. The motion was SECONDED by Mayor Upchurch.

Commissioner Blonder noted she had significant concerns which included the lost opportunity for an architectural review of the main entryway to the City. She supported moving the Ordinance to second reading to hear more from the public.

Commissioner Horvath concurred with Commissioner Blonder's statements.

Mayor Upchurch expressed concerns with the following:

- Disappointed with the current situation
- It was the developer and the City Commission's obligation to listen and consider the public concerns along with the PZB's position
- Developer spent one session with the Commission and was not seen again with no explanation, and he believed they were 'ghosted'
- Control was lost with architectural and environmental concerns when this went to traditional zoning
- Need from the original property purchase to now was not the same for the entire community
- Disappointed the Commission and community had lost their opportunity for meaningful project input because the law forbid them from keeping the developer in a PUD when the developer chose no longer to be in the PUD

Commissioner Blonder echoed the Mayor's disappointment and hoped the developer would consider their comments, should the

Commission be 'boxed in' to approve the rezoning.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021 - 19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY 9.88 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF SEBASTIAN HARBOR DRIVE AND WEST OF RIBERIA STREET, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2021-20: Rezoning the Sebastian Inland Harbor Planned Unit Development of 157 King Street (PID# 203350 0000, 203350 0010) to Residential General and Office

Mr. Birchim reviewed the Ordinance which was a companion Ordinance to 2021-19, and he noted the difference was this property was within the King Street Corridor and there were design standards overlaid onto the newly proposed building, and they must comply with those standards.

MOTION

Mayor Upchurch MOVED to approve Ordinance 2021-20 on first reading, place on second reading read by title only. The

motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021 - 20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY 2.64 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF KING STREET AND WEST OF SEBASTIAN HARBOR DRIVE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested that the record reflect his understanding there were two developers involved, both had separate projects under the PUD umbrella, and his earlier comments addressed concerns with SA Marina Holdings; however, he did not hold the same concerns with Mr. Cox.

9.B. Resolutions

9.B.1. Resolution 2021-29: Authorizes the execution of a one-year Construction and Maintenance Agreement to maintain colored epoxy coatings on pedestrian safety features as described in the Agreement

Mr. Franklin reviewed the Resolution. He addressed B.J. Kalaidi's comment regarding costs and stated every 15 to 20 years

repainting was required, and the cost was approximately \$10,000 per intersection.

MOTION

Commissioner Sikes-Kline MOVED to approve Resolution 2021-29. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

Commissioner Sikes-Kline thanked Mr. Franklin for his efforts with the Resolution.

10. STAFF REPORTS AND PRESENTATIONS

10.A. Introduction of Quality Engineering & Surveying LLC to the Commission. This firm will be conducting a series of informational workshops on the Flood Mitigation Assistance program which will be open to the public

Ms. Beach noted the significant feedback from residents regarding the topic, the request for assistance on elevating homes and structures, and access to flood mitigation resource information. She stated FEMA's Flood Mitigation Assistance Program (FMA) was a funding mechanism, the City must be the applicant or sub-applicant, it was competitive, offered annually, and the funds could be used for projects to reduce or eliminate risks of repetitive flood damage to buildings that were insured through the National Flood Insurance Program.

Richard (Buddy) Schauand, City Building Official, reviewed the following:

- Interest with homeowners regarding flooding assistance had increased over the past year and a half

- Flood insurance premiums for flood prone properties increased 25% annually, and would drastically decrease once a property was mitigated
- Prior to Hurricane Matthew, City had 12 repetitive loss structures and since then there were over 150
- Staff submitted FEMA grants to the State for two property owners in 2020; however, the State denied one application which failed a benefit cost analysis
- State recommended the second application, it was selected for further review by FEMA at the end of June, and in six months they would know if FEMA awarded demolition and reconstruction of home
- If the FEMA grant was awarded, the City was required to manage the project and approve all grant payments
- Staff believed contracting with an outside company to handle the day-to-day management of the projects provided the best opportunity for the grants to be awarded and would free City staff to perform regular duties
- Staff competitively solicited companies through the requested qualifications for grant administrative services for FEMA's Hazard Mitigation Assistance Program with focus on the FMA

Ms. Beach reviewed the solicitation process which had 10 respondents. She stated Louisiana based Quality Engineering & Surveying, LLC was selected and had the most FMA experience. She advised several workshops were scheduled in the Alcazar Room, individual consultations would be offered, and the application period opened the end of September and closed November 12th; therefore, time was of the essence. She indicated the workshops had been advertised with community outreach, individual site visits, flyers, City's media outlets, and all individual property owners were contacted who had expressed interest.

Mayor Upchurch welcomed Quality Engineering & Surveying, LLC.

Derek Murphy, CEO, Quality Engineering, introduced the company, discussed the history, and indicated how homeowners were assisted. Quality's staff individually introduced themselves and reviewed their qualifications, and it was noted the more people that participated in the grant, the better chance of FEMA approval.

The Commission discussed:

- Could not aggregate applications together as a 'block' of homeowners in neighborhoods; Quality Engineering would help determine eligibility
- Grant had a 5% administrative allowance which would assist with payment to Quality Engineering
- Response should be great, since after Hurricane Irma hundreds of residents questioned access to these programs
- Lifting houses was a huge process and access to funding was difficult; therefore, grateful Quality Engineering would be assisting

Commissioner Blonder commended City staff for their proactiveness and hard work to effectuate this plan for so many residents, including herself, and she welcomed Quality Engineering.

Mayor Upchurch echoed the Commissioners' comments and expressed his appreciation for the leadership and efforts of Ms. Beach and Mr. Schauland to solve a difficult problem. He noted the City's enthusiasm to work with the Quality Engineering team.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

Darlene Galambos, City Clerk, reminded the Commission that applications were still being accepted for PZB, and the deadline to apply was September 1st.

13. ITEMS BY CITY MANAGER

Mr. Regan advised the Commission of the addition of a full-time position to the new hire list which would be included in the upcoming Budget Workshop and would not change the budget. He noted the position was in Geographic Information Systems which was critical to the City's plan for rolling out integrated work order management systems with the existing GIS system.

Mr. Regan stated there were 34 COVID positive City employees in an eleven-month time frame, and during the Delta variant there were 36 positive employees in a five-week window, with the number climbing. He indicated these facts to remind that garbage service delivery schedules were not missed, and he asked the Commissioners to advise constituents complaining about delayed garbage pickup to please be patient, as City employees were working 11-to-12-hour days to get the job done.

Mr. Regan noted that inflation and private sector competition was wreaking havoc on the City's talented workforce; therefore, management was conducting a strategy on the issue. He indicated the national situation was reflected in the City workforce: unvaccinated employees were very sick, and vaccinated employee breakthrough cases had returned to work more quickly. He stated City risk management advised to get vaccinated, wear a mask, avoid indoor crowds, wash hands, social distance, and to stay home if sick.

At the request of Mayor Upchurch, Mr. Regan provided an update regarding the KINSA thermometer network and local COVID conditions:

- KINSA accurately predicted every rise and fall throughout COVID
- Thermometer reading went to index of 99 out of 100 at start of Delta surge; however, it recently dropped to 72
- More of the City workforce was getting vaccinated and providing their vaccine cards to Human Resources; optimistic this would be an ongoing pattern

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder mentioned Project Swing and noted community members had contacted her questioning the request for funding outside the City's budget.

Commissioner Valdes advised the original project was voluntary and constructed by civilians, and the idea of participation and contributions grew from this; however, it was not defined whether the City would participate, they were not soliciting money, and they were fact finding to determine the park conditions, repair costs and a company to reconstruct. He noted people would offer elbow grease or cash which the City would not turn down, only \$100 had been raised, and they wanted public involvement during the final stages with art, landscaping, and painting. He believed people had gotten way ahead of this and whether the City paid or looked for donations, the City's involvement would be reviewed by the Commission at the appropriate time.

Commissioner Valdes apologized for missing the August 19th budget meeting due to being quarantined, and he expressed disdain for his exposure to those unvaccinated in his profession.

Commissioner Blonder indicated that public communication and messaging regarding Project Swing should be modified and made clear.

Commissioner Sikes-Kline thanked Commissioner Valdes for thinking of the common good and stated everyone should

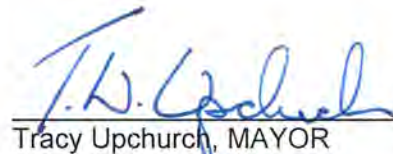
ponder that more as a nation and a community.

Commissioner Sikes-Kline stated she was selected as the candidate of the Champions Institute for Active People Healthy Nation and thanked the Commission for their support letter. She noted this was a smart growth America initiative in conjunction with the CDC's Prevention Division of Nutrition, Physical Activity, and Obesity which evolved from the Complete Streets movement.

Commissioner Horvath expressed gratitude for the recent FDA approval of the Pfizer vaccine, and she hoped those afraid of getting vaccinated would now consider it.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:19 P.M.²


Tracy Upchurch, MAYOR


Darlene Galambos, CITY CLERK



² Transcribed by Laura Morse