

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, July 25, 2022

The City Commission met in formal session Monday, July 25, 2022, 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
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Absent: Roxanne Horvath, City Commissioner (excused)

Also Present: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Jim Piggot, Director of General Services
Reuben Franklin, Director, Public Works
Donna Hayes, Director of Human Resources
Melissa Wissel, Director, Communications
Abby Pedigo, Fire Marshall
Colleen Kuhn, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Ted Voorhees of St. Cyprian's Episcopal Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch requested Items C.A.13., C.A.14., and C.A.15. be removed from the Consent Agenda and moved to Item 10 after the reports on the entrance signs and fountain.

MOTION

Mayor Upchurch **MOVED** approval of the Regular Agenda with the three modifications. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE**.

3. Special Presentations, Recognitions and Proclamations

3.A. Special Presentation of the American flag that was flown on Monday, July 11 in honor of Errol Jones, former Vice Mayor and City Commissioner, to Diane Wheeler. (T. Upchurch, Mayor)

Mayor Upchurch presented Dianne Wheeler with the flag on behalf of Errol Jones who served as a City Commissioner from 2002-2012 and as Vice Mayor from

2008-2010. He shared that Mr. Jones brought forward the need for diversity within the City workforce and was an advocate for children and as a Commissioner, helped The Player's Championship Boys and Girls Club incorporate into the City of St. Augustine.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Cynthia Garris
- BJ Kaladai
- Chris Fulmer
- Charles Pappas
- John Miller

Public Comment closed.

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 8, 2022:

- Ordinance 2022-12
- Ordinance 2022-13
- Ordinance 2022-23
- Ordinance 2022-24
- Ordinance 2022-25

CA.3. Reminder of Upcoming Meetings:

- August 8, 2022, 3pm, Special Meeting to discuss 2022 budget assumptions and five-year CIP
- August 8, 2022, 5pm, Regular Meeting and Public Hearing on Budget Related Resolutions
- August 18, 2022, 8:15am, CRA Special Meeting, discussion of fiscal year 2023 budget

- August 18, 2022, 9am to Noon, Special Meeting, discussion of fiscal year 2023 budget and action items

- August 19, 2022, 9am to Noon (if needed) Special Meeting, discussion of fiscal year 2023 budget and action items

- August 22, 2022, 5pm, Regular 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:

(None)

CA.8. Acknowledge receipt of a Firehouse Subs Public Safety Foundation Grant by the St. Augustine Police Department for the acquisition of 15 automated external defibrillators. (A. Cuthbert, Assistant Chief of Police)

CA.9. Approval of flag protocol in the event of the death of a City Commissioner and other notable figures. (M. Breidenstein, Assistant City Manager)

CA.10. June 2022 financial update. (M. Simpson, Director Finance)

CA.11. Third quarter report for Public Works and Utility Department. (R. Franklin,

Director Public Works; T. Grant, Director Utilities)

CA.12. Third quarter report for the legal department. (I. Lopez, City Attorney)

END CONSENT

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

Mr. Regan noted the movement of Items CA.13., C.A.14. and C.A.15. to Agenda Item 10.

5.B. Approval of Consent Agenda

MOTION

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

(None)

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

9.A.1. Ordinance 2022-12: Amends St. Augustine Police Retirement Trust Fund increasing real estate investments to an allowable 25% of the fund. (R. Thibault, Assistant City Attorney)

Isabell Lopez, City Attorney presented Ordinance 2022-12.

MOTION

Mayor Upchurch MOVED to pass Ordinance 2022-12 on first reading, read by title only and passed to second reading. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Blonder acknowledged the caution made by a public speaker and expressed the need to ensure international conglomerates were not funded through this or other funds.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE IX OF THE CHARTER OF THE CITY OF ST. AUGUSTINE RELATING TO THE ST. AUGUSTINE POLICE OFFICER'S RETIREMENT TRUST FUND; AMENDING SECTION 9.05(2)(c), TO REVISE ALLOWABLE INVESTMENT LIMITS; PROVIDING FOR INCLUSION IN THE CHARTER OF THE

CITY OF ST. AUGUSTINE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Blonder, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2022-13: Amends the 1977 City Employees' Retirement System increasing real estate investments to 25% of assets of the system. (R. Thibault, Assistant City Attorney)

Ms. Lopez presented Ordinance 2022-13.

MOTION

Mayor Upchurch MOVED to pass Ordinance 2022-13 on first reading, read by title only and passed to second reading. The motion was SECONDED by Commissioner Sikes-Kline.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO THE 1977 CITY EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF ST. AUGUSTINE, FLORIDA; AMENDING SECTION 20-124(2)(c), TO REVISE ALLOWABLE INVESTMENT LIMITS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Blonder, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2022-23: Regulates and posts idle speed-no wake zones. (R. Thibault, Assistant City Attorney)

Ms. Lopez presented Ordinance 2022-23 and stated the Commission had discussed this topic for over a year regarding the creation of idle speed-no wake zones in problematic areas along Hospital Creek and Bird Island based on concerns about public safety.

Ms. Lopez stated the first step was for the Commission to adopt ordinance and then it would be sent to the Fish and Wildlife Conservation Commission for formal approval before enforcement could begin.

Ms. Lopez stated the St. Augustine Port, Water Way, and Beach District would be submitting a Letter of Support for the ordinance prior to the 2nd reading at the August 22nd Commission meeting. She also sent the draft ordinance to Carl Blow, who was Chair of Florida Inland Navigation District (FIND). She said Mr. Blow indicated support and discussed the importance of the ordinance addressing safety issues.

Commissioner Blonder stated that on numerous occasions, she observed concerning boating and safety issues and near misses in a blind spot due to speeding boats on Hospital Creek. She said the area was like a racetrack and that boaters came through like it was a speed course. She stated the Commission had the opportunity to prevent a tragedy before it happened by getting out in front of the problem.

Commissioner Valdes said he had seen many manatees in the area and the Commission would be addressing public safety and preserving mammals headed towards extinction.

Mayor Upchurch clarified the Commission would not be restricting public access to the water ways but were trying to calm the area. He noted the photos in the meeting packet were taken on Memorial Day and showed the intensity of use in that area.

Commissioner Sikes-Kline agreed with others and stated she had witnessed the very congested area which included jet skis, motorboats, kayaks, and people fishing. She noted the ordinance would not go beyond what was necessary in the affected area.

Commissioner Blonder said the photos at Bird Island showed a typical busy afternoon with families swimming and boats and other vessels going by at full speed. She expressed concern about safety around blind curves and said the ordinance would help.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2022-23 on first reading, read by title only and passed to second reading. The motion was SECONDED by Commissioner Blonder.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE CREATING SECTION 7-4 REGULATING AND POSTING IDLE SPEED-NO WAKE ZONES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Valdes, Blonder, Sikes-Kline, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.4. Ordinance 2022-24: Prohibits smoking in public parks and the Willie Galimore Public Pool at Eddie Vickers Park. (R. Thibault, Assistant City Attorney)

Ms. Lopez presented Ordinance 2022-24.

Commissioner Sikes-Kline asked if the ordinance would include community gardens.

Ms. Lopez stated it would not; however, she would investigate it before the second reading.

MOTION

Mayor Upchurch MOVED to pass Ordinance 2022-24 on first reading, read by title only and passed to second reading. The motion was SECONDED by Commissioner Sikes-Kline.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, CREATING, CHAPTER 18, ARTICLE I, SECTION 18-9 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROHIBITING SMOKING AT PUBLIC PARKS AND THE WILLIE GALIMORE PUBLIC POOL AT EDDIE VICKERS PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Blonder, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.5. Ordinance 2022-25: Prohibits open burning with exceptions for reasonable recreational and cooking burning. (R. Thibault, Assistant City Attorney)

Ms. Lopez reviewed the ordinance and said it was created based on questions received over the years and recent conversations with Flagler College.

Commissioner Blonder asked Ms. Lopez about whether citizens could burn storm debris.

Ms. Lopez suggested hearing from the Fire Marshall on the topic.

Abby Pedigo, Fire Marshall, stated that she agreed that wood chips and paper could be added to definition of fuel. She said storm debris would fall under yard debris and stressed that residents should utilize City services to pick up the debris and to not burn it in the congested city. She said the many calls received by the Fire Department were due to nuisance smoke from burning debris.

Mr. Regan repeated that residents should utilize City recycling for yard waste.

MOTION

Mayor Upchurch MOVED to pass Ordinance 2022-25 on first reading, read by title only and moved to second reading. The motion was SECONDED by Commissioner Blonder.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA RELATING TO FIRE PREVENTION AND PROTECTION: PROHIBITING OPEN BURNING; ADDING CHAPTER 18, ARTICLE IV, SECTION 18-76, OF THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR

SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Upchurch, Blonder, Sikes-Kline, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. City entrance sign project update. (J. Piggott, Director General Services)

Jim Piggott, Director of General Services stated there had been three meetings regarding the project and that Jeremy Marquis would be presenting options.

Jeremy Marquis of Marquis Latimer + Halback stated the role of entry signs was to welcome residents and visitors and define the transition from the County to City. He said the Commission had requested a budget friendly modification of existing signs and that the options presented would meet these requirements.

Mr. Marquis stated the US1 North, and A1A and Anastasia Boulevard signs could be modified, and the SR 16 and US 1 South signs would be removed. Mr. Marquis presented budgetary and visual presentations of the options.

The Commission discussed the presentation and noted questions about the proposals and costs including the following:

- Some agreement on the simplest proposal suggested for the Anastasia Boulevard sign.
- Concerned about spending money on signs when there was a homeless issue

- Clarity needed on the total costs of the two signs: minimum and maximum
- Information contained in the packet was confusing or omitted
- Commissioners needed more time to consider options

MOTION

Mayor Upchurch **MOVED** to table the signage proposals until the next meeting. The motion was **SECONDED** by Commissioner Sikes-Kline and approved by Unanimous Voice Vote.

Mayor Upchurch requested the City Manager bring back a clear presentation of options and costs based on the Commission's discussion.

10.B. City Hall/Lightner fountain update. (J. Piggott, Director General Services)

Mr. Piggott presented information on the Lightner fountain and validated costs previously quoted by Commissioner Horvath.

MOTION

Mayor Upchurch **MOVED** to approve the rework of fountain in front of City Hall for \$22,000. The motion was **SECONDED** by Commissioner Blonder and approved by Unanimous Voice Vote.

Consent Agenda Items¹

CA.13. Ratification of the collective bargaining agreement between the City and the Florida Carpenters Regional Council, Local 2038. (D. Hayes, Director Human Resources)

CA.14. Ratification of the collective bargaining agreement between the City and the Coastal Florida Police Benevolent Association. (D. Hayes, Director Human Resources)

CA.15. Ratification of the memorandum of understanding between the City and the Professional Firefighters of St. Augustine. (D. Hayes, Director Human Resources)

Mr. Regan stated the Agreements resulted from negotiations, the unions had approved them, and the Commission would need to ratify them.

Meredith Breidenstein, Assistant City Manager reviewed the Agreement for the Florida Carpenter's Regional Council, Local 2038 (Industrial Union) stating the negotiations took place over four months and were open to the public.

Ms. Breidenstein noted the following changes to the contract:

- Added Juneteenth as a holiday
- Changed Trial Period from 60-days to 6 months
- Revised vacation usage requirement
- Created a penalty for sick/vacation payout
- Changed Worker's Compensation supplement
- Changed health insurance provider
- Added 8% general wage increase for Fiscal Year 2023 only
- Added steps for obtaining licenses specific to the profession
- Increased on-call pay
- Increased overtime pay for call-in on certain holidays
- Corrected grammatical errors and clean-up language

Ms. Breidenstein confirmed there were about 75 employees covered by this Agreement.

¹ Items C.A.13, C.A.14., and C.A.15. were moved from Consent Agenda to Item 10

MOTION

Mayor Upchurch **MOVED** to ratify the Florida Carpenter's Regional Council, Local 2038 Contract. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Blonder, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

Ms. Breidenstein reviewed the Coastal Florida Police Benevolent Association (Police Union) contract changes:

- Added Juneteenth as a holiday
- Revised vacation usage requirement
- Created a penalty for sick/vacation payout
- Changed Worker's Compensation supplement
- Changed health insurance provider
- Added 8% general wage increase for Fiscal Year 2023 only
- Added steps for obtaining a master's degree
- Retained steps for those transferred from investigations
- Added incentive pay for certain specialties
- Added the term Health Pandemic as Civil Emergency Condition
- Increased requirements for education reimbursement
- Corrected grammatical errors and clean-up language

MOTION

Mayor Upchurch **MOVED** to ratify the Coastal Florida Police Benevolent Association Collective Bargaining Agreement. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Blonder, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

Ms. Breidenstein shared that the Fire Fighter Union Contract had not expired and the Memorandum of Understanding covered changes to the health insurance program, and was voted on by members.

MOTION

Mayor Upchurch **MOVED** approval of the Memorandum of Understanding. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Blonder, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

12.A. Notification of three (3) upcoming term expirations on the Planning and Zoning Board (PZB). (D. Galambos, City Clerk)

Darlene Galambos, City Clerk shared there were upcoming term expirations for Planning and Zoning Board (PZB) members and applications would be presented to the Commission in September.

Commissioner Blonder asked if openings could be shared with prior qualified applicants.

Ms. Galambos stated that letters would be sent to those applicants and that PZB applicants must be City residents.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Commissioner Blonder shared that the unregulated substance Kratom, which she had brought to the Commission's attention previously, was widely available online and that any regulation would be difficult to enforce so she would be withdrawing her request to staff. She said she had attended training provided by the Police Department and was impressed with the training level, responses, questions and answers, and the seamless work between police and fire departments.

Commissioner Sikes-Kline reminded the Commissioners to provide budget items to staff. She said she had been going to ask the Commission about hearing a proposal for Zora Neale Hurston Park improvements but thought more about the homeless issues, which she felt was a higher priority in the community. She said she would like to hear more from City staff about the Key West fact-finding trip and their thoughts on addressing the homeless issue.

Commissioner Valdes said he believed there needed to be a place for those who were homeless to get help and that had showers, laundry, and a place to sleep. He said the St. Francis House was available, but more space was needed. He understood Key West had 160 beds and that they did not have a problem with panhandling. He explained assorted reasons why people would be homeless. He stated that finding money and space were necessary to help address the homeless issue.

Mayor Upchurch said he had a different perspective and believed that people who were homeless could access the many services and resources in the area. He saw this as more of a vagrancy and panhandling issue and believed ordinances could be more aggressive. He said the police department had expressed frustration when trying to make arrests,

and with the amount of support from the judicial system. He stated he would like to hear from Officer Fisher about the Key West visit.

Commissioner Blonder suggested the City needed to get the County involved and felt this would be a great workshop topic.

Mr. Regan suggested the Commission could receive intermediate reports of each fact-finding mission and that Key West could be scheduled for August 8th or another meeting. He said there were two other cities being benchmarked for comparison and would culminate into a strategic plan. He said the trip to Key West confirmed the important role of a "low barrier to entry" facility and explained how it addressed vagrancy. He said Key West did have a broader ordinance that prohibited panhandling in parks. He said that Officer Fisher reported going into Key West many times during the day and he did not see any panhandling.

Commissioner Sikes-Kline would like to learn more about how Key West approached panhandling and thought the City could modify ordinances and take more risks.

Ms. Lopez confirmed the City had been very intentional about developing its ordinance to avoid lawsuits. She said she had heard comments about Key West's Day Center and how it reduced loitering, vagrancy, and panhandling.

Mayor Upchurch said he would like more information on the numbers and types of arrests and penalties being imposed by the Key West judicial system.

Mr. Regan stated St. Augustine had nowhere for people who were homeless to go except for the park or on the street. He said in Key West, they would go to the Day Center or to a gathering in the national park at Fort Jefferson. He said Officer Fisher described the Key West problem as inverse of St. Augustine and that Key West

did not have the same amount of wrap around support services but had more space and commitment to provide low barrier to entry facilities, which included transitional housing. He reiterated staff would provide the Commission with a report.

15. Adjournment

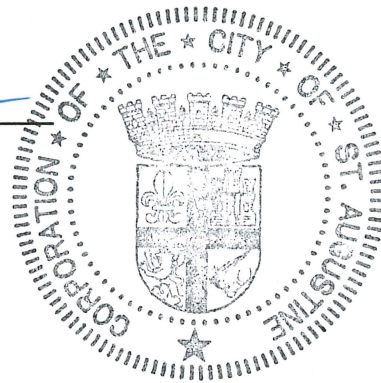
There being no further business, the meeting was adjourned at 6:32 P.M.²



Tracy Upchurch, MAYOR



Darlene Galambos, CITY CLERK



² Transcribed by Colleen Kuhn