CITY OF ST. AUGUSTINE

City Commission Special Meeting
Monday, March 28, 2022

The City Commission met in formal session Monday, March 28, 2022, at 3:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Vice Mayor Sikes-Kline, and the following were present:

1. Roll Call:

Tracy Upchurch, Mayor/City Commissioner[1]
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Also Present:

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Reuben Franklin, Director, Utilities
Amy Skinner, Director, Planning and Building
Melissa Wissel, Director, Communications
Jim Piggot, Director, General Services
Corey Sakryd, Deputy Director, General Services
Gregory Johnson, Deputy Director, Financial Services
Jessica Beach, Chief Resilience Officer
Jennifer Michaux, Chief of Police
Laura Morse, Recording Secretary

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2. General Public Comments

Public comment was opened, and the Commission heard from the following members of the public:

- Michael Grossman
- Elizabeth Smith
- Maureen Long
- Mattie Harms

Public comment was closed.

MOTION

Mayor Upchurch MOTIONED to move Item 4 - Corps of Engineer Back Bay Feasibility Study Presentation and Funding Update to Item 3, and that Item 3 - Summary of the Resilience Workshop from October 25, 2021 be moved to Item 4. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

Item 4 heard here.

3. Summary of the Resilience Workshop from October 25, 2021

Jessica Beach, Chief Resilience Officer, summated the October 25, 2021 workshop discussion which included policy, planning needs, projects cited for completion,

[1] Mayor Upchurch arrived at 3:07 p.m.

Commission priorities, and funding. She recapped Commissioner's requested action items which included updating the Coastal Vulnerability Assessment, inclusive of the Stormwater Resilience Master Plan and the USACE Back Bay Feasibility Study, development of a seawall ordinance, continuance with outreach and education, and updating the City website's resilience section to include resources and policies. She acknowledged Caitlyn Sargent, Grant & Project Coordinator, Cindy Walker, Communications Specialist, and Melissa Wissel, Communications Director, with their hard work to revamp the Public Works section of the City website.

Ms. Beach summarized the Flood Mitigation Assistance (FMA) Program for elevating properties and noted 25 applicants were at the State review process with Federal Emergency Management Agency (FEMA). She advised that prior to the next acceptance cycle, they planned to host custom contractor workshops that reviewed the FEMA process, which then rolled into public workshops in July with mailers sent to interested residents. She said commercial properties were eligible; however, different FEMA assistance was included, such as floodproofing buildings, but most interest came from private residents.

At the request of Mayor Upchurch regarding the number of potentially eligible private properties for the program, Ms. Beach did not have a percentage, but stated FEMA set the eligibility conditions which included a required federally backed flood insurance policy, and flood damage which determined cost share potential.

John Regan, City Manager, indicated the question was difficult to answer based on the data needed and that Hurricane Matthew had approximately 800 to 1,000 homes.

Commissioner Sikes-Kline said knowing the number of people not in the program was vital for the program's future viability. She questioned the goal of the summer class and applicants, and whether this would be on a rolling basis.

Ms. Beach stated the City signed a five-year contract with Quality Engineering, they anticipated this to be an annual program, lessons were learned each cycle, and it was important to submit information early to target residents with repetitive flood damage.

Commissioner Blonder commended City staff for the $26.5 million grant received. She said the website and informational brochures were essential, attractive, and well organized for those who inquired about the program. She cited personal involvement with the tremendous paperwork requested in the FEMA process, she was pleased lessons learned from the last program cycle would be applied to the next, and she said Ms. Beach's proposals would greatly assist and simplify the process. She suggested a homeowner checklist for necessary documents and a periodic email keeping participants apprised of the status throughout the process.

Ms. Beach said the existing informational checklist would be made easier, she had applicant feedback from the last cycle's participation, and contractor workshops would gain participation and necessary information.

Commissioner Valdes said contractors were under time constraints due to the construction boom, and his company had turned down numerous requests for quotes to lift houses. He suggested a pro forma for pricing with insertion of square footage dimensions, or to allow contractors more time for proposal preparation.

Ms. Beach advised that working directly with contractors would assist, and Quality Engineering had a pre-filled form to complete which included FEMA requested items.

Ms. Beach stated the $26.5 million in funds from the Florida Department of Environmental Protection (FDEP) would

assist with completion of seven well distributed projects throughout the City. She noted the integration of 30 additional projects into the Capital Improvement Program, which were listed on information sheets showing status and schedules, with an intent to provide a broad project overview and those awaiting funding.[2]

Mr. Franklin indicated the intent to show the Commission the breadth of the Public Works and Utilities projects in process and the balancing required with other departments. He said the list was incomplete and would be refined, and there would be individual project data sheets with an appendix and a glossary with acronym definitions to build a robust Capital Improvement Plan for Public Works and Utilities, with a quarterly update of the data sheets. He continued if the Commission was agreeable to this endeavor, public workshops could be scheduled for the public engagement component.

Commissioner Sikes-Kline appreciated the format, broad overview, and great tool for public use; however, she stated some projects were much bigger funding-wise and the list lacked that sense.

Ms. Beach advised the Capital Improvement Project Information sheets showed project costs, funding schedules and sources, and status, and the Table could note project costs and include Commissioner requests. She said project completion dates were linked with DEP grant funding and were to provide an idea of the project scale, with some having more flexibility than others.

Commissioner Blonder questioned the 103 stormwater outfalls, the 43 that were retrofitted, the 20 more anticipated, what happened next, and how quickly.

Ms. Beach stated funding from DEP covered 20 more during that time, a Master Plan draft would assist with prioritizing remaining locations and may identify a funding gap with more funding needed; therefore, they wanted to complete what was in process before tackling more.

Ms. Beach concluded the purpose of that workshop was for Commission input and to discuss progress, particularly with the Army Corps Back Bay Study.

Commissioner Blonder expressed pride with everything the City had done to get to this point, and she thanked staff for their time and efforts. She said all things ahead were sobering in whether the finish line would be reached before sea level rise would.

4. USACOE – Back Bay Feasibility Study Presentation and Funding Update

Item heard after Item 2.

Ms. Beach introduced the St. Augustine Back Bay Feasibility Study ('Study') which was in process for years and initiated by former Mayor Nancy Shaver in 2018. She said it was a three-year, $3 million dollar cost share project between the Army Corps of Engineers (Corps) and a local sponsor that evaluated coastal storm risks and identified eligible solutions for project implementation. She advised the City had submitted letters of interest since 2018, and she acknowledged Congressman Rutherford's advocacy for Congressional funding in place that allowed the Corps to proceed with the Study. She concluded the Corps' presentation was for informational purposes, this was a request for Commission input and not a decision, and she introduced Jason Harrah, Senior Project Manager, U.S. Army Corps of Engineers.

Mr. Harrah said the Study would be handled by locals from Jacksonville to St. Johns, including Stacy Roth, Senior Planning Official, Jacksonville Corps of Engineers, who was present for questions. He said Ms. Roth and her team would assimilate

[2] Distributed at meeting, included with original meeting packet

information from biologists, engineers, and economists for public review and Congressional authorization in approximately three years. He reviewed the following:

- *Feasibility Study's formal three-year process* was cost shared at 50% federal and 50% local, required Congressional action involving a Study authority and Federal appropriations, and would begin after signature of a Feasibility Cost Share Agreement (FCSA)
  - Used House Resolution 2646 as authority for the Study
  - Received initial $200,000 federal appropriation money in March 2022
  - Specific, Measurable, Attainable, Risk Informed, Timely (SMART) study process implemented
  - Completed study required signature from Chief of Engineer in Washington, D.C., review by the Assistant Secretary for the Army at the Pentagon, review by Office of Management and Budget (OMB), and Congressional authorization
  - Milestones used in Study process included environmental problem identification, review and evaluation of all potential alternatives over next 50 years, and feasibility analysis
  - Prohibited by National Environmental Policy Act from being pre-decisional and must review all solutional options
  - Corps had strong economic team for developing cost ratio benefit required for Congressional authorization
- *Project Life Cycle* included problem identification, Study authorization, appropriations, feasibility study and Chief's report, pre-construction engineering and design, construction authorization, funding, and maintenance
  - Commission consensus to move forward with the project required execution of the FCSA between the Corps and the City and could be done electronically or ceremonially
  - Project Partnership Agreement (PPA) execution committed to the recommended plan cost, real estate and duration, then construction
  - The sponsor, Corps, and the public would be involved throughout all project phases
  - OMB approved money to those with the highest cost to benefit ratio
- *Current Status of the Study* included completion of the Study authorization and federal appropriations, then a decision to move forward with the Study
  - Should Commission elect to move forward, Corps would set a meeting with the City to narrow all objectives, goals, and focus areas
  - Should City not move forward with the Study, the funds would be returned to Congress

At the request of Commissioner Sikes-Kline, Mr. Harrah said the Army Corps followed the National Environmental Policy Act (NEPA) process to the law, which ensured numerous public meetings and was the process used for the Bridge of Lions.

Commissioner Horvath shared her enthusiasm for the project and the City's ability to move forward after the amount of time that had already passed in the process.

Commissioner Valdes stated the Commission should move forward, as it was important for the City and citizens.

Commissioner Blonder expressed deep appreciation for Congressman Rutherford's support, City staff's hard work, and the Army Corps, and she desired to see the project move forward. She said the enabling legislation potentially encumbered areas outside of City limits, and she asked Mr. Harrah to explain the process so the City could fine tune its own challenges.

Mr. Harrah indicated that any problem identified by the Commission began with a letter to the Corps, who under the Continuing

Authorities Program, had many broad authorities for smaller projects such as stormwater retention and bank protection, and they could research which authority vehicle the problem fit into.

Commissioner Blonder echoed the sentiments of the Commissioners and was prepared to move forward in support, and she stated the following:

- Appreciated the all-encompassing approach taken by the Army Corps
- Requested conversations with the public and other communities who underwent this process to obtain feedback and potential different actions
- Appreciated early inclusion of 'future without project condition' for early on known terms of economic, social, and environmental exposure, even if the Commission chose to do nothing
- Amiable to City off ramps, and if too expensive or incompatible, they could be removed
- Project aligned with the Strategic Adaptation Plan with potentially significant federal funding availability to address challenges identified in the Coastal Vulnerability Assessment
- Signing the agreement encumbered the City for $200,000 which together with the federal match was less than a single family home in St. Johns County

Mr. Regan recommended moving forward with preparation of an agreement for execution, based on their conversations.

Mr. Harrah advised Commission sentiment was required to move forward with preparation of the Feasibility Agreement by the Corps attorneys, who would then send it to City staff and attorneys for review. He said once prepared, the Agreement would return to the Commission for approval, it would be signed through electronic or ceremonial measures, then he would submit a letter to the City requesting the $200,000.00.

Commissioner Sikes-Kline suggested an invitation to Congressman Rutherford for the Agreement signing since he was instrumental in making this happen, and this would be a great way to thank him.

Mayor Upchurch advised Mr. Regan there was Commission consensus to move forward with the necessary paperwork.

6. Additional General Public Comments (Time Permitting)

Mayor Upchurch opened public comment, and the Commission heard from the following member of the public:

- B.J. Kalaidi

Ms. Beach responded to Ms. Kalaidi's inquiry to obtain the location of the 25 homes currently reviewed by FEMA and said they must follow privacy laws, the properties were located in various parts of the City; however, she would ask Quality Engineering.

Public comment was closed.

Commissioner Valdes agreed they were addressing all issues with resiliency; however, he wanted a Statewide Building Code change which required every new structure to have the ability to be moved in the future, if necessary. He said this required change in Tallahassee and questioned the process to initiate this change. He stated that buyers never looked past who they sold to in their lifetime, and the cost to lift buildings later would be extraordinary compared to constructing them right the first time.

Mayor Upchurch stated this change required working with professional organizations, State architects, and State building contractors with significant lobbying presence in Tallahassee.

Mr. Regan advised this topic dealt with State law, lobbying was necessary in Tallahassee to effectuate change in the law, and the topic could be added to the legislative agenda for

next year's legislative session, or they could examine what was locally under City control. He said rulemaking ended with compromise, and perhaps the City should continue looking at its Code. He noted the fear of construction costs rising too fast and questioned when they could take a harder stance in the local Code. He said David Birchim, Assistant City Manager, was an expert in this field and he asked him to provide an explanation.

Mr. Birchim advised the following:

- Local Code did not dictate what could and could not be built, but the State Building Code did
- They could attempt to make local amendments to the State Building Code which required going before the State of Florida Building Commission (FBC)
- If FBC allowed a local building code amendment, it would only be good until the FBC met for their annual review of the State Building Code
- Data and analysis would be required to prove to FBC the change was necessary in St. Augustine
- If the State agreed, they would tell the City they could only enforce the changes / amendment to the Code until FBC met again to incorporate the change statewide
- If the State did not agree, the City could no longer enforce the changes / amendment

Mr. Birchim stated he did not want unreasonable expectations regarding the City's power to amend the State Building Code, and they were just enforcing State Law.

Mayor Upchurch affirmed they were not looking for an emergency rule, although they wanted to go to FBC and make the revision suggested by Commissioner Valdes. He said there was an annual process of revision; therefore, a process must exist where FBC received public input. He was told by Mr. Birchim that the State Building Code was adopted as an administrative rule and codified; however, they had no control over the contents.

Mr. Regan concluded that staff's presentation was beyond impressive, he complemented all agencies that assisted with notices regarding the workshop, and he thanked the audience present.

7. Adjourn

There being no further business, the meeting was adjourned at 4:29 P.M.[3]

T. D. Upchurch

Tracy Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK

THE CITY OF ST. AUGUSTINE CORPORATION

[3] Transcribed by Laura Morse