

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 25, 2021

The City Commission met in formal session Monday, January 25, 2021 at 5:05 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
Darlene Galambos, City Clerk
Isabelle Lopez, City Attorney
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Finance
David Birchim, Director, Planning and Building
Barry Fox, Police Chief
Laura Morse, Recording Secretary
Candace Seymour, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Eliut Alicea, Bridge of Life Church, 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 Horvath **MOVED** to approve the Regular Agenda. The motion was **SECONDED** by Mayor Upchurch and **APPROVED BY UNANIMOUS VOICE VOTE.**

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

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
- Shawn Morrison
- Chris Fulmer
- Gail Clara Wisler
- Bruce Maguire
- Melinda Rakoncay
- Ellaine Parham
- Jaime Parham
- Lauren Giber
- BJ Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA - JANUARY 25, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON FEBRUARY 8, 2021:

- Ordinance 2021-01
- Ordinance 2021-02
- Ordinance 2021-03

CA.3. Reminder of Upcoming Meetings:

- February 8, 2021, 5pm, regular City Commission meeting
- February 22, 2021, 5pm, regular City Commission meeting
- March 8, 2021, 5pm, regular City Commission meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- December 7, 2020, Special City Commission Meeting
- December 14, 2020, Regular City Commission Meeting

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

- Aksana and James Priest - 2916 N. 2nd Street
- Ruth Miller and Samuel Lyons - 255 S. Woodlawn Street
- Lender Jones-McDowell and Walter McDowell - 1021 N. Orange Street

CA.6. Order releasing code enforcement lien at 92 Smith Street. (*D. May, Assistant City Attorney*)

CA.7. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.8. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.9. First Quarter Legal Report. (*J. Lopez, City Attorney*)

CA.10. First Quarter Utilities and Public Works report. (*T. Grant, Utilities Director and R. Franklin, Public Works Director*)

CA.11. Invoice in the amount of \$3,335.00 from Cavendish Partners, P.A. for legal services rendered in December 2020 regarding the Marlowe v COSA matter. (*J. Lopez, City Attorney*)

CA.12. Invoice in the amount of \$2,301.00 from Cavendish Partners, P.A. for legal services rendered in December 2020 regarding the MASCI v COSA matter. (*J. Lopez, City Attorney*)

End Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

Commissioner Sikes-Kline cited her request that Merin Dunn, Audiovisual Specialist, create the Utilities report into a formatted video, such as the one completed for Arbor Day. She commended Ms. Dunn for her work and suggested everyone take time to watch the video once completed.

MOTION

Commissioner Horvath MOVED to approve the 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 2021-01: Amends the General Employees' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

Isabelle Lopez, City Attorney, reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline **MOVED** to place Ordinance 2021-01 on second reading, read by title only and passed. The motion was **SECONDED** by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE IV, 1977 CITY EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-116 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2021-02: Amends the St. Augustine Police Officers' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline **MOVED** to place Ordinance 2021-02 on second reading, read by title only and passed. The motion was **SECONDED** by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE IX, POLICE OFFICERS RETIREMENT SYSTEM OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTIONS 9.08 AND 9.11 PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2021-03: Amends Article X of the City Charter to correct scrivener's errors and provide gender neutral language.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2021-03 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE X OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR GENDER NEUTRAL LANGUAGE THROUGHOUT; PROVIDING FOR

INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.4. Ordinance 2021-04: Amends the Sebastian Inland Harbor Planned Unit Development.

David Birchim, Director, Planning and Building (PZB), reviewed the Ordinance and variations from the original and proposed Planned Unit Development (PUD).¹ He included the following:

- Current PUD identified 10.88 acres of uplands, amended PUD identified 11.5 acres of uplands with marina basin as balance
- Applicant could address acreage questions
- Property contained San Sebastian Winery (Winery) and marina basin, remainder was vacant and under-developed
- Property formerly a brownfield containing coal gasification plant which produced City's power and was cleaned up many years ago
- One monitoring well on property and two on police station property remaining from contamination cleanup
- Lot coverage defined as everything under roof and did not include driveways, sidewalks or property's impervious surface as on plans
- Current PUD allowed 65' tall buildings, measured from 8' above mean sea level and proposed PUD allowed 58', measured at 10' above mean sea level
- Elevated buildings two additional feet for resiliency measures, or an overall 5' building height reduction

¹ Attached to original Commission packet

- Architecture Review Committee (ARC) governed current PUD building design, not the revised; however, conceptual building elevations and written description of allowed architectural styles were included

Mr. Birchim informed the Commission the Developer, their Attorney and team were present to answer questions.

Mr. Birchim noted the current PUD and 2016 amendment, which changed the phasing schedule, and the 2007 PUD document was provided to the Commission for their records.²

The Commissioners asked Mr. Birchim questions regarding the proposed PUD amendment.

Commissioner Sikes-Kline asked the following questions and received the responses as follows:

As per code, was neighborhood sent notification for opportunity to convene for a meeting with the Developers?

- Neighborhood notice was sent and received, based on email response from neighborhood council members; however, meeting was not accepted

How was open space defined and calculated within PUD, and why was it important?

- Open space was important and the reason maximum lot coverage ratios existed
- Tried to maintain balance between developed environment and open space which brought good design and prevented 'overdevelopment'; however, what one called overdevelopment another called good design

Did 'within the marina' stated in PUD mean marina's approximate 2.4 acres was

included in the 5.2 acre open space calculation and if so why, since no code stated what open space consisted of?

- It was included, and there was no code preventing Developer from asking for marina credit as part of open space calculation as done in PUD narrative

Commission and applicant would decide open space credits, was this how density was calculated in the Comprehensive Plan?

- Density was based on developable land and included open undeveloped land on same parcel, but not the marina since it was not developable acreage and not included in multifamily unit calculation

Marina was included in Developer's open space calculation, which did not affect the number of units per acre?

- No, and rough calculations showed 174 to 177 units, whereas Developer asked for 165

What were differences between setbacks and landscape buffers?

- Landscape buffer was perimeter of commercial property and a common commercial land development regulation with a landscape plan and identified buffers
- 10 feet was standard buffer yard width which could be reduced per code using a multiplier to add fences, screening or more landscaping if more narrow
- Building setbacks were how far closest building point could be to property line
- Landscape buffer could be inside building setback area; therefore, if buildings required setback 10 feet from property line, landscape buffer could be in between building and property line

Were sidewalks and bike paths allowed inside building setbacks and landscape buffer?

² Provided to Commission at meeting

- Building must comply with setback requirements
- Landscape buffer not required to be contiguous, and landscaping should be designed around 'obstacles', such as driveway openings and utility poles, for good design purposes and longevity
- Could incorporate walkways and bike paths within landscape buffer if providing minimum number of trees and shrubs required

Questioned incompatible use with multifamily, property north of Ice Plant and driveway, eight feet of buffer yard on south side and proposed five-foot minimum sidewalk around area path leaving only three feet for landscaping

- A PUD defined own standards; and landscape plan was included as PUD exhibit, and if approved, would be the design accompanying the development
- Landscape architect would address minimums for landscape conducive to the space or might say area required more room based on incompatibility

How did staff address the change for parking space dimensions since the Developer set the standards?

- Standards existed for traditional zoning
- Differences shown between Developers' required design for commercial parking lot with straight zoning, and what was proposed in PUD
- Straight zoning required a 9-1/2"x19' parking space with a two-way drive aisle behind measuring 24 foot wide
- PUD reduced parking spaces to 9'x18' as Developer wanted creation of parking garage spaces in line with parking garage designs, since City had no minimum size for parking garage spaces and held to old larger standards

Passive recreation was the walking trail sidewalk and the marina was active recreation. Was the marina public or private, and if public, why were marina parking spaces removed in proposed amendments?

- No public parking was associated with marina in updated PUD; therefore, it remained active recreation
- By definition marina would be commercial and open to the public; however, public's ability to park on site if visiting marina would be the parking garage

Commissioner Sikes-Kline stated that active recreation was considered public because there was a strong ethic and desire in the City to maintain public access to the water. She noted that in the existing PUD there was a water taxi station, which promoted the intent for public recreation, but it was not in the proposed PUD amendments.

New permitted uses specified indoor and outdoor restaurant uses including alcohol sales, and outdoor alcohol sales had been a City issue. If the Commission changed a code or requirements, such as outdoor alcohol sales, was it possible for PUD language to adapt to that new code?

- Language was in revised PUD discussing RGO permitted uses as periodically amended; therefore, language could be inserted that would automatically change uses or conditions should law change

Commissioner Horvath asked the following questions and received the responses as follows:

Had Developer addressed active and passive recreational space in PUD which stated for every hundred multifamily units, one of each was required; therefore, 167 units would need 1.67?

- Developer identified compliance through bikeways, walkways, and marina as recreation space

Commissioner Valdes asked the following questions and received the responses as follows:

Was there PUD language regarding open area equating to permeable or impermeable surfaces which allowed notion that a lot of available open area could be paved?

- PUD did not include this language

The 60% lot coverage suggested by Developer was under roof, was there a number referring to other impermeable surfaces?

- PUD did not include a number

Major concern was traffic and parking from Malaga Street to US1; therefore, was it equitable to provide applicant with their requested use of 35% of apartments as vacation rentals, thereby increasing traffic considerably, versus one-to-two person hotel rooms?

- This detail had not been addressed regarding which apartments would be reserved for short-term rentals (STRs)

Traffic load between US1 and Malaga Street estimated 18,000 trips per day and applicant proposed an additional 4,300 trips per day, was a traffic study completed to confirm this?

- Credentialed traffic engineer showed traffic load from existing to revised PUD would drop approximately 183 trips

City's parking code was inadequate with a successful restaurant, so when parking garage requirements were calculated, was maximum load reviewed?

- Best estimate was given at 100% requirement, then 12.5% subtracted to arrive at 650 spaces
- Floor plans not available for non-patron area of restaurants and banquet rooms; therefore, did not have definitive number of parking spaces

How could the Commission approve a PUD without parking information?

- Commission did not have to approve, but could state Developer must provide 100% code compliant parking
- Current PUD stated 363, and intention was to marginally reduce intensity and marginally increase number of spaces

Mayor Upchurch stated the Developer and their Attorney were present at the meeting and could address the question which was an unfair expectation to place on staff.

Commissioner Blonder asked the following questions and received the responses as follows:

Were employee and event parking adequately included in parking calculations?

- All parking included street parking partially on Developer property and in public right-of-way on San Sebastian
- Developer would provide code compliant parking with a table showing City code calculations, less the 12.5% internal capture rate for mixed use
- Ample parking was available to comply with City code, but whether code allowed sufficient parking for events was an open question, and answer was if business was successful, there would not be enough parking since code sought the average
- Rough estimate was around 650 parking spaces needed on site, and currently Developer had 636

Was parking partially on Developer property and partially on public right-of-way generally allowable, as there was concern about this?

- No; however, it could be considered through PUD mechanism proposing City metered parking as public parking, and in exchange credit given for the parking within their internal calculation

How many hotel rooms could City support both economically and with existing infrastructure with overutilization or underutilization?

- Five hotels currently under construction
- Hotel industry very interested in locating in St. Augustine
- STR industry monetized residential neighborhoods for tourism
- Perception of value existed with hotel development
- No study existed predicting a maximum number of hotel rooms feasible for City

Was there service and emergency vehicular access to the multifamily structure in new modification?

- Site development plan showed access on Sebastian Harbor Drive which was neighborhood interest at a PZB public hearing, and to eliminate Riberia Street access which was all part of current parking garage design until interior dimensions of drive aisles were seen
- Unable to speak for Fire Department, but all safety measures would require compliance prior to permitting

How was open space calculated in terms of public access?

- Open space was just a math formula and did not require public access
- PUD showed commitment to having public access, but reserved right to have security for hotel guests and apartment tenants; therefore, at some point in evening, people would be prohibited from walking the Riverwalk

There were no further questions from the Commission for Mr. Birchim.

Mayor Upchurch welcomed Ellen Avery-Smith, Esq., Counsel for Developer.

There was Commission consensus to hear a project summary prior to questions; therefore, Ms. Avery-Smith provided a project overview:

- City's Comprehensive Plan (Plan) set property's future land use designation as residential medium density mixed use

- Property owners had legal right to residential and commercial developments as set forth in Plan, and projects were encouraged to have a cohesive design to create an identity
- Land use designation issued over thirty years ago (estimated between 1988 and 1990) was accompanied by original zoning, since all property had land use designation as 'governing document'
- Original zoning category was residential general office and was companion zoning to residential medium density mixed use future land use designation, or if rezoned to PUD which was compatible with future land use designation
- City and developers devised original 2004 PUD when property was all upland and there was no marina; therefore, the marina was always part of developable land in PUD
- In 2007 another group of developers put forth another amended PUD that existed today with same acreage
- In 2016 both owners, SA Marina Holdings, LLC and Seavin, Inc. (Winery owners) came in for sole purpose of extending PUD dates with no substantive changes made at that time
- At end of 2019 an application was filed, went to PZB in February 2020, and applicants were given 12 written 'homework assignments' that were responded to and complied with
- Applicants provided a revised plan that went to PZB in December 2020 and unanimous recommendation of approval was received with concerns expressed
- RGO zoning allowed all uses sought in PUD and difference between RGO and PUD was RGO did not require design standards or public benefit provision; whereas PUD zoning required design standards and public benefit provision
- Project construction costs estimated between \$80 and \$100 million dollars with generation of approximately \$750,000 annually for City to use in downtown parking and transportation network improvements

- Funds would be paid into downtown Community Redevelopment Agency (CRA) for mobility improvements
- Project provided half on-site and half off-site parking along Sebastian Harbor Drive and City would meter those spaces for additional revenue
- Project contributed to beautification with re-construction and landscaping on Sebastian Harbor Drive
- Provided Riverwalk along San Sebastian River which would close at 10:00 or 11:00 P.M. for safety reasons and re-open after sunrise

Ms. Avery-Smith advised the Commission she was available to answer questions.

Mayor Upchurch expressed concern regarding any multifamily use as STR as it generated congestion and additional traffic; however, he noted the positive direction to increase multifamily units while reducing hotel rooms.

Mayor Upchurch asked the following questions and received the responses as follows:

Please explain how a Community Development District (CDD) fit into this project?

- CDD typically used by larger project developers to fund infrastructure over time both on and off site
- Consulted with both owners who did not believe a CDD necessary for this property and could remove from PUD

Commissioner Blonder concurred with Mayor Upchurch regarding STRs, noted the City's large hotel room inventory and the concern with burdening staff with 35% use of multifamily units as STRs.

Commissioner Blonder asked the following questions and received the responses as follows:

Stormwater management plan not seen in application and questioned what design

measures and models were used to ensure compliance?

- Same language was in St. Johns River Water Management District requirements; therefore, it was the law and required project compliance

Was a written evaluation of potable water and sanitary sewer capacity been completed and approved by the City?

- Provided a water and sewer availability letter from City, which was typical step this early in process
- Once re-zoning completed, Engineer would prepare horizontal construction plans as part of utility upgrades needed

A development of this magnitude presented a wonderful opportunity to implement key elements of sustainability plan, vision plan, comprehensive plan and strategic adaptation plan. What design elements or measures were being taken regarding Future Land Use Element (FLUE) Goal 5, to reduce greenhouse gas emissions?

- Question could not be answered

What design elements or measures were being taken regarding Goal 8 of FLUE, to reduce automobile trips and promote the mobility plan?

- PUD was approved, had vested rights under the law and for 'x' number of trips
- This plan reduced number of trips by 277 as shown in public facilities analysis in exhibit to PUD text
- Addressed traffic as presented in site circulation plan, part of PUD exhibits:
 - Reduce overall density, which reduced trip count
 - Intended to keep trolley stop in place, which picked up at Winery
 - Bicycle racks and lockers would be in areas for residents and visitors
 - Traffic heading eastbound from King Street would use parking garage and also portions of mixed-use project

Were there design elements or measures incorporating 'low impact development' or 'green infrastructure' with regards to conservation and coastal management element 2.16.6?

- This item would be reviewed

What design elements or measures were being taken regarding the transportation and mobility element, Goal 3, to encourage the 'park once' environment and keep people there to buy groceries?

- Property owner next to Winery, Mr. Cox, envisioned a European market similar to an indoor farmer's market, designed for residents and tourists

What design elements or measures were being taken to 'build in a manner that lessens risk to transportation public investments and private property' within transportation mobility element 1.7.1, interpreted as measure to reduce flooding impacts in flood prone areas?

- Part of PUD text allowed construction to raise starting elevation of buildings to 10 North American Vertical Datum (NAVD), versus 9 under City code

Commissioner Blonder noted this protected buildings in development, but did not address additional flooding that resulted from 60% lot coverage of roofed area or impermeable surface increase.

What measures were being incorporated to adapt entire area to impacts of open space reduction that allowed for stormwater retention and infiltration?

- One underground stormwater vault existed on site, and others would be constructed to handle site stormwater
- Stormwater vault would take drainage from Sebastian Harbor Drive through stormwater treatment systems then treated in accordance with law
- Stormwater vaults would be gravity fed

- Doug Skiles, Civil Engineer of project, could provide detail on this topic at second reading of Ordinance

Commissioner Blonder summated other project concerns:

- Water conservation design elements not seen in PUD as recommended in Plan section 2.1.4.1, and species shown in landscape plan overwhelmingly non-native and not water conservation friendly
- Encouraged inclusion of more sustainability elements such as low flow plumbing and appliances
- Streetscaping shown did not qualify with Transportation and Mobility Element (TME) as a complete street, sharrows were dangerous and disallowed safe family street use; therefore, encouraged complete streets with underground power
- TME 3.1.24 'encouraged affordable workforce housing, mixed use multi-modal supportive development' shown on page 5 of application it stated 'creating jobs within the same property where people live'; however, affordability was in question for service workers

Commissioner Blonder noted the great opportunity for staff to consider incorporation of a mobility fee for the project, over and above taxes generated, vehicle trips and parking.

Commissioner Blonder concluded the original PUD had elements of greater benefit to residents and this was potentially the last opportunity for large development that should be special and compelling.

Commissioner Horvath asked the following questions and received the responses as follows:

Things had changed significantly since the first PUD approval in 2004. She noted a 58 hotel room reduction did not wash with an 80 multifamily unit increase of

approximately 112,000 ft², or average of 1,400 ft², or a unit plus circulation. She stated 33,650 ft² could be credited, or reduction of hotel rooms and retail, but it still increased project by over 78,000 ft², and increase was intensity issue that translated to parking issue discussed by Commissioner Valdes. She questioned the traffic study.

- Parking was a mathematical calculation based on City code for each use, and final site plan with total units and square footage would use calculation for minimum required parking units
- Traffic counts based on number of hotel rooms and multifamily units, not square footage
- Unsure of final project square footage, but used maximum densities and intensities of use based on City code measures, which were apartment units, commercial square feet, and number of hotel rooms as required for compliance
- Developer requested 'mixed use parking bonus' for tenants to enjoy ability to park once, then shop or dine
- Institute of Traffic Engineers (ITE) was an internationally recognized organization by which trip generation for each land use was calculated

Concerned with project's uncertainty in appearance and design, and inability to provide accurate numbers.

- In an RGO project, zoning would allow maximum height of 50 feet across site with an architectural embellishment and five feet of mechanical equipment; therefore, entire site could be 55 feet, absent a design element, but allowed by land development code
- Since project was a PUD, Developer tried to set maximum standards and work within traditional zoning confines, such as maximum building height at 58 feet, the 75 and 90 foot towers in current PUD would be removed, and building height decreased seven feet from existing PUD

- Only project building with completed design was Mr. Cox's European market

Hotel and European market design were discernable, but entire project should be visible; therefore, if Developer requested the absence of an architectural review, the Commission should know what they were approving.

- A revised PUD text and exhibits based on Commissioners' comments and questions and version of multifamily units diligently worked on by designer would be provided timely for staff's review and report, then sent to the Commission for review prior to February 22, 2020 meeting

Was parking garage visibility heading east on King Street addressed with staff, as it required serious architectural treatment to avoid looking like a parking garage which would become a magnet for people to park and walk downtown, hence eliminating parking availability for the European market or the hotel?

- Page 11 of PUD text discussed architectural style and design of buildings, and stated "the west side of the non-residential parking garage facing San Sebastian River will include colonnades" which would hide parking garage and appear as a beautiful building from the river

Confusion regarding acreage with inconsistent numbers, and understood part was calculated prior to marina being constructed, but what was the 60% requested?

- Original 2004 PUD footprint included 13.5 acres and nearly 11 acres of upland
- Engineer was calculating acreage; therefore, any changes would be made to PUD text for consideration between now and second reading

- Marina was an upland since it was constructed after 2004 PUD and therefore, part of developable land
- In 2007, questions raised about Winery inclusion in original PUD, and after review of legal description, it was determined it was not included
- PUD package included 'Exhibit A' consisting of copied and pasted legal descriptions of every owner's deed in project to ensure inclusion of Winery, additional marketplace land and everything owned by SA Marina
- Acreage increased in PUD by approximately two-tenths of an acre and worked to true up numbers which would be provided to Commission in revised PUD text

If plan was 60% coverage, plus other impermeable parking and sidewalks, was this done on the 11 acres plus 2 acres of Winery?

- When PUD text was revised, a table would be provided with information with total acres and submerged land acres

Was Winery already calculated in the 60% requested part of coverage?

- Yes, numbers would be finalized

Improvements on Sebastian Harbor Drive were proposed at 75% completed by City and 25% by Developer, shouldn't Developer pay at least 50% since they had 50% street frontage?

- Unaware and would get clarification

Mayor Upchurch advised this was an issue to be worked through prior to approval.

Commissioner Valdes asked the following questions and received the responses as follows:

Was code that stated one parking space per two slips used for parking requirements for marina?

- Yes that was calculation used

Commissioner Valdes stated the project was a rare opportunity to excel since it was uniquely situated on large entry corridor in City, and his project vision was a world class development visible from the Bridge of Lions. He expressed full awareness of design thresholds and height limitations and noted since functionality requirement was tied to height, he was amiable to discuss height for 'architectural freedom' with Commission. He concluded in 2004 the project was needed, but today it created growth and development issues and requested Ms. Avery-Smith return to designers and come back with a design that made the 'pulse rush'.

Ms. Avery-Smith advised that design staff would be informed of provided suggestions.

Commissioner Sikes-Kline asked the following questions and received the responses as follows:

How was Zone C3 chosen for signage?

- Project was mixed use on several different public streets
- City signage code allowed freestanding signs, based on length of right-of-way or property line along public street
- Project difficulty was lengths and sizes along public streets, but nothing allowed placement of freestanding signs for each project major use, such as one sign for Winery, one for European market, and one for hotel, as requested in PUD text
- Code permitted signs on building sides; therefore, picked most compatible sign with buildings of size discussed

Commissioner Sikes-Kline advised Commercial Sign Zone C3 was for massive highways not small City streets and requested a unified and detailed sign plan and noted using Zone C1 or C3 was not required but could serve as a guidepost.

Commissioner Sikes-Kline summated other project concerns:

- Request for 12.5% parking reduction with idea of shared space, walking and biking provisions, but important items such as water taxi station not in PUD
- Creation of mobility and reduction of auto dependence important; therefore, surprised more comprehensive plan not provided
- Public parking spaces in original PUD not seen, although 30 metered spaces provided on street
- Wanted public parking at marina if required to meet active recreation space guidelines
- Questioned marina's intended use with fuel sales addition in permitted uses, and not amiable to adding fuel docks based on intensity of use, delivery trucks, location of docks, water taxi station, and public parking spaces for marina access
- Shared fellow Commissioner's opinions of STR provisions
- Not inclined to go from five to ten years on phasing plan which required tightening
- Disappointed underground utilities not in presented PUD, although they were in original PUD
- Wanted 'over the top fabulous' on circulation size, connectivity, multi-modal pads, all things expected when Plan focused on mobility and auto dependence reduction
- Architecture extremely important core City value requiring definition
- Requested streetscape analysis / connectivity plan as required in PUD Ordinance
- Requested comprehensive Circulation Plan separate from drawings, showing where 12.5% of people without cars moved around on site

Ms. Avery-Smith replied to Commissioner Sikes-Kline's concerns:

- Revenue from metered parking spaces would be given to City

- Clarified marina was not envisioned to compete with City marina; however, primary intention was for hotel guests, multifamily residents and boaters to dine
- Site Circulation Plan included as Exhibit D showing where pedestrians, bicycles, vehicles and trolley could go
- More detailed Circulation Plan would be provided, along with 11"x17" hard copies

Commissioner Sikes-Kline asked if Developer would consider the Bike Share program and wayfinding plan?

- Would discuss with the developer
- Clarified that wayfinding could be included in unified sign plan

There were no further Commission questions for Ms. Avery-Smith.

Ms. Lopez advised removing the STR component challenge was that State law pre-empted City's ability to pass an ordinance prohibiting STRs; therefore, this was enacted by ordinance. She stated the applicant and Commission could negotiate to substantially lower STR numbers from the current proposal; however, it would behoove Commission to not prohibit STRs via ordinance based on State statute.

MOTION

Commissioner Horvath MOVED to continue the first reading to the next meeting to provide Developer time to respond to Commission's requests on topics discussed, then move to second reading if Commission was content.

Ms. Avery-Smith requested a date certain to gather information and to move ordinance to second reading, allowing public comment for a better understanding of community and Commission's concerns.

The Commission discussed:

Commissioner Blonder noted uncertainties required attention prior to ordinance moving

to second reading and would only support continuance on first reading.

Mayor Upchurch indicated he was prepared to make a motion to approve on first reading, proceed to second reading in a month with understanding that the second hearing may continue for several meetings.

Commissioner Valdes stated the topic required and deserved more than one hearing to resolve and was amiable to move to second reading citing more would come.

Commissioner Horvath noted the difficulty for Developer to obtain requested information by second reading and stated more time was needed to resolve issues until Commission believed project was good, which allowed more detail for public response.

Commissioner Sikes-Kline concurred with Commissioner Horvath and preferred continuing the item.

Commissioner Horvath AMENDED THE MOTION to continue the first reading of Ordinance 2021-04 to February 22, 2021. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch thanked Ms. Avery-Smith for the presentation and stated the Commission would continue working with the Developer and team to make this the best possible project.

9.B. Resolutions

9.B.1. Resolution 2021-02: Authorizes the City Manager to arrange for the City Commission or Boards and Committees to utilize hybrid meetings.

Ms. Lopez reviewed the Resolution and stated this required a physical quorum of three Commissioners present with 'up to 2' through virtual participation. She stated that although the technology was not yet available, this set up the legal framework to conduct hybrid meetings and clarified that Commissioners who joined virtually would fully participate and vote.

MOTION

Commissioner Blonder MOVED to pass Resolution 2021-02. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2021-01: Approves the City's affiliate membership with the Bartram Trail Conference. (A presentation regarding the Bartram Trail Conference and the recognition of Bartram Trail National Heritage Corridor by Sam Carr, President Bartram Trail Society of Florida will be located on the City's social media please go to the City's website, citystaug.com for more information).

Ms. Lopez reviewed the Resolution.

Commissioner Sikes-Kline noted her appreciation for the support on the topic and advised a video was produced for the City's social media outlets and was located on the City website's home page.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-01. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Blonder,

Valdes, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.3. Resolution 2021-03: Dredging of the Salt Run Channel and Interlocal Agreement.

Jim Piggott, Director, General Services, reviewed the Resolution, acknowledged the hard work of Corey Sakryd, Grants Administrator, and advised the City finished number one out of 65 plus grants submitted in 2020.

MOTION

Commissioner Horvath **MOVED** to pass Resolution 2021-03. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Valdes, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

MOTION

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

10. STAFF REPORTS AND PRESENTATIONS

10.A. First quarter fiscal year 2021 financial update and proposed budget meeting schedule.

Mark Simpson, Director, Finance, reviewed the topic and stated the debit card approach was successfully used during revenue uncertainty and the first quarter financials looked good and were in accordance with Plan. He advised the City currently had placed \$7.3 million dollars of favorable

excess in a savings account for use throughout the year when ad valorem taxes were not strong.

Mr. Simpson summated performance of the Funds and noted challenges existed with the Solid Waste Fund which were being analyzed with Todd Grant, Director, Utilities, for fiscal year 2022 budget, and a study with options that would be brought to the Commission in the future. He noted the concern regarding the Visitor Information Center Fund due to lost parking revenues in 2020; however, he stated opening for Nights of Lights worked well with garage revenue and 32% of budgeted revenues had been received thus far.

Mr. Simpson noted the capital purchases were approved to move forward, as no reason existed that the budget could not be fulfilled as planned.

Mr. Simpson reviewed the budget preparation process:

- Publish schedule at regular Commission meeting
- May 10, 2021 Commission meeting would review the Strategic Plan and mid-year budget analysis completed, with anticipated discussion of capital improvement projects
- 2021 normal process with special meetings for discussion of budget assumptions and detailed revenue review since unable this past year due to COVID
- Regular workshops planned for August 2021
- Trim compliance for budget meetings in September 2021

Mayor Upchurch noted his appreciation for the work Mr. Simpson, staff and Ms. Breidenstein did to keep the City well financed and maintained which was taken for granted and expected. He stated City finance required a great deal of work and expertise and nothing was more important.

Mayor Upchurch requested that Mr. Regan revisit the great ideas and topics with the sustainability workshop prior to COVID when looking at a rate study.

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

12. ITEMS BY CITY CLERK

12.A. Discussion and assignment of commissioners to intergovernmental boards.

Darlene Galambos, City Clerk, reviewed the topic and inquired whether the Commissioners chose to continue service on their current boards.

The Commissioners consented to continue serving on their existing boards.

Mayor Upchurch suggested Commissioner Blonder serve on the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR).

Commissioner Blonder consented to serving on the GTMNERR.

Mayor Upchurch advised he would serve on Sister Cities Association.

Commissioner Sikes-Kline volunteered to serve as representative for the Bartram Trail Conference.

The Commission MOVED to accept the selected appointments and APPROVED BY UNANIMOUS VOICE VOTE.

12.B. Request for appointment of two term vacancies for the Lincolnville Community Redevelopment Area Steering Committee.

Ms. Galambos reviewed the topic and distributed ballots for the Commission to vote for two of the following applicants:

- Julie Risenhoover
- Madeline Wise
- Dee Thomas

Ms. Galambos announced after tallying the votes, the Commission unanimously elected Madeline Wise and Dee Thomas to the Lincolnville Community Redevelopment Area Steering Committee.

12.C. Notification of two upcoming term expirations on the Historic Architectural Review Board.

Ms. Galambos reviewed the topic and advised that applications were due February 25th.

13. ITEMS BY CITY MANAGER

Mr. Regan announced that February 1, 2021, St. Johns County in partnership with Flagler Hospital would provide COVID testing for the uninsured and a major communications announcement was forthcoming. He commended Commissioner Sikes-Kline and Commissioner Horvath for their hard work behind the scenes with St. Johns County to facilitate this.

Commissioner Blonder commended Mr. Regan for his work to facilitate this action.

Commissioner Sikes-Kline shared the sentiments of Commissioner Blonder and also commended Commissioner Henry Dean for his significant work towards this effort.

14. ITEMS BY MAYOR AND COMMISSIONERS

Mayor Upchurch reminded the Commission Mr. Regan's evaluation was required and although some Commissioners had met with him and provided oral evaluation, written evaluations were necessary which

Ms. Lopez would then combine for recommendation.

Commissioner Sikes-Kline encouraged the Commission to reply to the North Florida Transportation Program email survey sent, which helped shape the City's direction and they reached out to elected officials first, then the public.

Commissioner Sikes-Kline discussed an earlier public comment that asked about the open construction period creating issues on a property located on Avenida Menendez. She stated it required resolve and if necessary a code change, as construction permit should not be open for years.

The Commission provided consensus to address this topic.

Mr. Regan advised that a status quo and recommendation would be provided at the February 8, 2021 Commission meeting.

Commissioner Horvath advised Senate Bill 62 would be discussed at an upcoming committee, which was an attempt to dismantle the 10 Regional Councils at a major loss for the State of Florida. She stated the councils were non-profit and worked from federal and state grants. She said invaluable resiliency, economic development, transportation, emergency preparedness and evacuation studies work was done by Regional Councils. She noted her current work on COVID economic resiliency and affordable housing and requested consensus in support to oppose the bill.

There was Commission consensus to begin work on a defensive strategy to defeat Senate Bill 62.

Commissioner Blonder applauded the appointment of Jessica Beach as Chief Resiliency Officer and noted appreciation of efforts to get her to that position.

Commissioner Blonder mentioned that Mayor Curry of the City of Jacksonville

extended requirement to wear masks indoors until February 25, 2021 and asked Ms. Lopez about this capability with the current climate.

Ms. Lopez advised the City of Jacksonville and Duval County merged into consolidated government decades ago and in the State granted charter, there were peculiar and individual rights to enact emergency orders, including every thirty days. She stated the mandate had no exclusive penalty but crossed referenced the code and charter.

Commissioner Valdes referenced climate change, ocean rise and traffic and at each election cycle the conversation regarding satellite parking garages and transportation in and out of the City was brought to the forefront. He requested that Mr. Regan advise the Commission regarding the City's progress with pursuit of these topics, as they were the only solutions to mitigate current impact.

Mr. Regan advised the topic would be addressed at another meeting.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:01 P.M.³



Tracy Upchurch, MAYOR


Darlene Galambos, CITY CLERK

³ Transcribed by Laura Morse