CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 9, 2023

The City Commission met in formal session Monday, October 9, 2023, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Barbara Blonder, City Commissioner
Cynthia Garris, City Commissioner
Jim Springfield, City Commissioner

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Corey Sakryd, Director, General Services
Barbara Moore, General Services Group Manager
Stephen Slaughter, Director, Utilities
Jennifer Michaux, Police Chief
Carlos Aviles, Fire Chief
Elyse Wiemann, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Tim Fleming with Episcopal Missionary Church delivered the invocation, and Commissioner Horvath led the Pledge of Allegiance.

Mayor Sikes-Kline announced that any comments regarding the Memorandum of Understanding for the Broudy project or Fire Station should be provided during public comment as they were not public hearings.

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 Commissioner Springfield and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

•Proclamation 2023-31: Proclaims October 8-16 as Naval Wives Club of America National Convention Week in the City of St. Augustine. (N. Sikes-Kline, Mayor)

• Proclamation 2023-38: Proclaims October 16-22 as Florida Government Week in the City of St. Augustine. (N. Sikes-Kline, Mayor)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Alex Crowson
- Danielle Babineau
- Rob Depiazza
- Jerri Bates
- Jon Hodgin
- Susan Hill
- Ricardo Gaudino
- Lauren Giber
- Dwight Miller
- Maureen Long
- Jim Tunstall
- Charles Pappas

5. Consent Agenda

David Birchim, 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 OCTOBER 23, 2023:
• Ordinance 2023-31 - Charter amendment police pension section

CA.3. Reminder of Upcoming Meetings:
• October 23, 2023 - Community Redevelopment Agency Meeting (prior to City Commission Meeting)
• October 23, 2023 - 5:00pm - Regular City Commission Meeting
• November 13, 2023, 3:30pm, Special City Commission Meeting (conservation land acquisition discussion)
• November 13, 2023 - 5:00pm - Regular City Commission Meeting
• December 11, 2023 - 5:00pm - Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:
• August 24, 2023, Special City Commission Meeting
• August 28, 2023, Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):
• 2848 North Eighth Street - Jasmine and Timothy M. Davis

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. Approval of the Cost Share Agreement between the Habitat for Humanity of St. Augustine/St. Johns County, Inc., and the City for the Habitat for Humanity Volusia Woods Project with the City's proportionate share of $313,000 being paid out of utility operating funds. (S. Slaughter, Director Utilities)

CA.9. Approval for City Manager to execute the Municipal Subrecipient Subaward Funding Agreement between St. Johns County and the City to fund improvements of basketball/sports courts at Eddie Vickers Park. (J. Perkins, Neighborhood Services and CRA Manager)

CA.10. Approval for Flagler College to use the City crest on promotional and program materials for an artist welcome reception in celebration of Hispanic Heritage Month. (M. Wissel, Director Communications)

End Consent

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

(None)

5.B. Approval of Consent Agenda

MOTION

Mayor Sikes-Kline MOVED to APPROVE the Consent Agenda. The motion was SECONDED by Commissioner Horvath 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

8.A.1.

(None)

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

(None)

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

8.C.1. Resolution 2023-35: Designates properties (Parcel ID Nos. 111225-0120, 111225- 0000, 111220-0000, 111130-0000, 111110-0000, 111220-0000 known as the Broudy properties) as Brownfield areas. (I. Lopez, City Attorney)

Isabelle Lopez City Attorney reviewed the Resolution.

The Commission heard from the following members of the public:

- Dr. Stephanie Hollis
- Zach Ramsey

Commissioner Blonder said the area had many uses over the years. She noted there were at least two chemicals on the site that could affect human health and aquatic organisms. She was in support of having the Brownfield cleaned.

Ms. Lopez advised the second hearing for the resolution would be on October 23, 2023.

8.C.2. Resolution 2023-37: Confirms the suitability of municipal property for affordable housing. (I. Lopez, City Attorney)

Isabelle Lopez City Attorney reviewed the Resolution.

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

Commissioner Springfield questioned if this would limit the City to affordable housing only on the property or would they be allowed to sell it or do something else with the property besides affordable housing.

Ms. Lopez replied in the affirmative and noted the City was required to create an inventory and post it on the website.

MOTION

Commissioner Horvath MOVED to pass Resolution 2023-37. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION:
AYES: Horvath, Blonder, Garris, Springfield, Sikes-Kline
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2023-31: Charter amendment to remove the police pension section and codify it in the municipal code. (I. Lopez, City Attorney)

Isabelle Lopez City Attorney reviewed the Ordinance.

Commissioner Springfield felt there was a need for a press release to help educate the public on the topic.

Ms. Lopez advised that before state law changed, local governments were allowed to provide educational campaigns; however, the law changed and that was now prohibited. She said, as the City, they were not allowed to participate in any campaigns. She said there were individuals on the Pension Board, as individuals, that would speak to civic groups.

Commissioner Springfield asked if the Police Union could provide an education campaign.

Ms. Lopez replied that private individuals and local groups like unions could; however, local governments were not allowed. She noted the Police Pension Board was in support of the change.

Mayor Sikes-Kline asked what the language would be on the ballot.

Ms. Lopez said that would be left to the Commission. She said she had provided a draft, but it had to remain a single subject and within seventy words or less in both English and Spanish. She said the phrasing was reviewed by the pension attorneys and they were in support.

MOTION

Mayor Sikes-Kline MOVED to pass Ordinance 2023-31 on the first reading and moved to the second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE ARTICLE IX FROM THE CHARTER OF THE CITY OF ST. AUGUSTINE TO INSTEAD BE CODIFIED WITHIN THE CITY OF ST. AUGUSTINE MUNICIPAL CODE; CREATING CHAPTER 20, ARTICLE VI, SECTIONS 20-220 THROUGH 20-236 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CODIFY THE POLICE OFFICERS RETIREMENT SYSTEM; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTNE; AND PROVIDING FOR AN EFFECTIVE DATE

VOTE ON MOTION:
AYES: Sikes-Kline, Horvath, Garris, Springfield, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2023-34: Authorizes the application for a grant to repair/restore the Alcazar Hotel, the Pena-Peck House and the St. Augustine Visitor's Information Center and authorizes the City Manager to complete and execute necessary

documents. (B. Moore, General Services Group Manager)

Barbara Moore, General Services Group Manager, reviewed the Resolution.

Mayor Sikes-Kline expressed her excitement and gratitude for the preservation work that needed.

Commissioner Springfield stated he appreciated the state for funding this need in St. Augustine.

Commissioner Garris commended the staff and thanked everyone involved as the work needed to be done for a long time.

MOTION

Mayor Sikes-Kline MOVED to pass Resolution 2023-34. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:
AYES: Sikes-Kline, Horvath, Garris, Springfield, Blonder
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2023-36: Supports the federal grant by St. Johns County to construct the St. Johns Safe Rail project. (R. Franklin, Assistant City Manager)

Reuban Franklin Assistant City Manager reviewed the Resolution.

Commissioner Horvath felt it was important to support the County on the project.

MOTION

Commissioner Horvath MOVED to pass Resolution 2023-36. The motion was SECONDED by Mayor Sikes-Kline.

VOTE ON MOTION:
AYES: Horvath, Sikes-Kline, Garris, Springfield, Blonder
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

10.A. Discussion regarding the Memorandum of Understanding between the City and West Augustine Gateway, LLC regarding a public parking garage at 198-212 West King Street. (R. Franklin, Assistant City Manager)

Mr. Franklin reviewed the Memorandum of Understanding (MOU) between the City and West Augustine Gateway, LLC regarding a public parking garage at 198-212 West King Street.

Commissioner Springfield asked if the cost provided included the shuttle. He questioned the occupancy percentage.

Ms. Franklin replied that it was not included; however, the shuttle cost would be an additional $330,000 a year. He said they reviewed the existing parking garage, and the occupancy rates were scaled down for this size garage including the seasonal fluctuation. He noted this was a conservative estimate.

Barry Broudy, Tarek Paté and Jason Perry reviewed the changes in the MOU, the project, and provided a brief overview of the parking garage and the importance of the location.

Mr. Broudy said the main change in the MOU was that at the end of thirty years, the City would be able to purchase the property.

Mayor Sikes-Kline noted that the 2.5% was not included in the MOU and it would need to be incorporated. She said the City in the future could purchase the land where the garage would be located not the entire site.

Commissioner Horvath noted the graphic had changed from two and half acers to two acers; however, the cost of the land lease had not changed.
Mr. Broudy replied they had an idea of the land value and thought it would take around two and half acers for the parking garage and the $300,000 was based on the best information available at the time. He said he was unaware of what the appraisal would be per square foot and the exact number of acers needed would be determined after the garage was designed. He said based on the appraisal; it would be around $3.08 per square foot.

Commissioner Springfield understood that the square footage would be determined after the garage was finished and then figure the cost based on the acers used and $3.08 per square foot. He said the MOU mentioned the common area, and an arrangement would be made to determine how it would be divided; however, he felt it was vaguely written.

Mr. Paté clarified the common area necessary for the garage was allocated to the garage in terms of land area. He said everything else that was not necessary for the garage would be private property.

Commissioner Blonder noted this needed to be in writing specifically as it was not in the MOU.

Mr. Paté said it was in writing in the new MOU under section 8.d. He said the appraised fair marker rental value applied to the square footage was $3.56 per square foot and that was applied to the rental rate of the square footage. He said the square footage was commercially reasonably allocated and appropriate to service the project. He said it could be measured more precisely with the civil engineering design and the acreage might fluctuate up or down.

Commissioner Blonder suggested adding the word “only” refencing servicing only the project.

Mr. Paté agreed as that was the intention.

Ms. Lopez advised that verbally proposed changes or any changes to the MOU had not been reviewed by herself or the team from Bryant Miller Olive. She cautioned the Commission to agree to a document that had not been drafted or reviewed.

Mayor Sikes-Kline advised that the document would have to be reviewed by the City Attorney. She asked that the exhibit presented be incorporated in the MOU.

Mr. Paté agreed that it could be included as a conceptual exhibit.

Commissioner Horvath said the question was not the value in the location, but it was more about having a public-private partnership. She said the property from her perspective was what the property was being valued and the $300,000 lease. She said the City’s appraisal was at $1.6 million and theirs was at $4.5 million. She questioned the cost as the Commission granted the zoning and she felt this should be a partnership. She wanted the CRA in West Augustine to be developed prior to entering into the agreement as that was how part of the garage could be funded. She felt that after paying for thirty years this the City would own the property and not have to pay an additional amount to buy the property afterwards. She said she did not feel the City was receiving a good value on the property as a partnership.

Commissioner Blonder agreed but said conceptually she wanted to move forward with the project but with more specific information. She said the language incorporated was the highest and best use for the value of the property. She noted that a garage would be on the property for thirty years and the highest use could be something else which could increase the cost of the land. She said “highest and best use” should be removed.

Commissioner Springfield said without the option to purchase the property he was opposed to the idea, but since that was an option, he was in favor. He said there was a report provided that indicated the garage would make revenue after ten years. He said theoretically the garage would not cost the taxpayers money. He said they would save more than the value of the land over the thirty years with the reduction of half percent. [1]

Commissioner Horvath felt the payout over the next thirty years was vastly different depending on which appraisal was used even with the half percent reduction. She questioned the number of parking garages the team had built.

Mr. Perry replied they had been involved with around seven or eight.

Mr. Paté felt this was a global issue. He said the request was to approve the MOU as presented with the various changes as stipulated, which were:

- Change the 3% growth rate to 2.5%
- Clarify the common area would be to serve only parking garage project as opposed to other areas of the project
- Incorporate the option to purchase the property

Mr. Broudy addressed the amount of rent for the project. He said the mortgage on the garage would be passed directly to the City. He said the only profit he would receive would be the rent on the land. He said the Mobility Oriented Development (MOD) was worked for to obtain. He said this property was valued at its highest and best use with its current zoning. He said for anything less than the current appraised value would not be beneficial to him or his family.

Commissioner Springfield pointed out that the Commission provided a different zoning for the land which gave it a greater value. He asked if the Commission decided not to proceed with the garage they would revert to the original zoning.

Mr. Broudy replied he would reevaluate his options and he may or may not go back to the original zoning.

Mayor Sikes-Kline did not feel that the only profit made from the project would be from the land and she thought that was not the case. She said there was so much more to the property. She said he had been provided with all the tools necessary to do well in the spirit of a partnership and they were asking him to work with them to come to an agreement. She agreed having an established CRA would be beneficial.

Mr. Birchim said an assessment had been conducted prior to the request and blight had been found centered at this site 'West King Street corridor'. He said since the West City CRA boundary had been expanded, they asked the same consultant to expand the finding in necessity. He said it had to be found in both commercial and residential areas.

Mayor Skies-Kline said this was an expensive piece of infrastructure for the City. She said she wanted to see this happen but was unsure it would happen at this meeting.

Commissioner Garris said she was an advocate for this because it would affect the westside and the improvements to enhance that location. She said there was a need for parking. She commended Mr. Broudy for providing the option for purchasing the land. She said the St. Augustine Rider (STAR) could shuttle people into the downtown corridor. She felt the reduction in growth rate was another way that Mr. Broudy was trying to meet the commission halfway. She felt the revenue collected from the parking garage would be able to pay for the garage. She said they should keep in mind a few things; the need for parking as it was an issue, safe passage could be provided to employees

[1] Break from 7:02p.m.-7:11p.m.

with the STAR, and there was justification for the need as the west side could also utilize the parking. She added that residents would have another location to park during storm events and flooding.

Mayor Sikes-Kline felt this was not about the intentions of Mr. Broudy as the commission was in support of the project but thought this was more about the cost. She said this was intended to be a partnership but felt this was down to the land value. She said the commitment of the Commission was still there; however, they were not ready for a final decision as the written version needed to be reviewed by the City Attorney.

Mr. Paté said regarding the highest and best use of the land, at the end of the thirty years there would be an appraisal completed based on the highest and best use, but appraisers were constrained by legally permissible uses of the land. He said there was a multifamily project planned adjacent to the parking garage and the only way for it to be built would be for a public parking garage next to it. He said it would be limited to a parking garage if those other items were on the property, as that was the zoning.

Commissioner Horvath noted the overall complex had a parking garage incorporated for the units and if that was the scenario, this garage would not be needed.

Mr. Paté said there was a five-level parking garage in the multifamily complex which would serve the project; however, it would be more expensive than the one proposed for the City and in the MOU, the request for overflow parking would be considered.
Commissioner Horvath said that was the one hundred additional spaces for the retail uses.

Mayor Sikes-Kline reiterated parking would always be a need in the City; however, this was about dollars and cents and having a partnership, and making the best decision for the citizen and not over paying.

Mr. Broudy said did not feel the current appraised value based on the zoning was unreasonable and felt it was affordable. He said the best he was able to do was provide the option for the City to purchase the garage at the end of the lease period, which had been the Commissions major concern.

Mr. Birchim asked if the Commission wanted the changes made to the MOU and to have them reviewed by the attorneys and brought back for final approval.

There was consensus to have a clean copy of the language with the changes and have it reviewed and brought back to the Commission.

<u>10.B.</u> Discussion regarding the status of the City's Fire Station No. 2 site location and the request to the State to use a parcel part of Anastasia State Park. (R. Franklin, Assistant City Manager)

Mr. Franklin reviewed the topic and provided a brief presentation.

Mayor Sikes-Kline commended the staff for the outstanding work done with the community and the county residents.

Commissioner Horvath agreed that this was an outstanding amount of work to coordinate this, and it was sensitive to the neighborhood and felt it was a win-win by also obtaining the parcel in Fish Island to make it whole.

Commissioner Springfield said the only issues he saw was having one crosswalk and one light that would control traffic from one direction and thought there might be a need for two, which could help with safety.

Commissioner Garris felt the roundabout and the fire station were needed and a win for the neighborhood. She thought it could decrease insurance rates living so close to a fire department.

Commissioner Blonder said this was a difficult responsibility as it would not, please everyone; however, the highest consideration had to be the public good. She noted the intersection discussed was dangerous. She said the property was on the States list of disposal land and it offered little regarding resources, recreation, or operational value. She said being able to purchase the land in Fish Island was a major benefit and would complete the preserve. She said there would be a 1.5 acer buffer to the neighborhood and would add the 2.5 acers in Fish Island was a net gain in conservation land.

Mayor Sikes-Kline said there were many positive pieces, and the benefits outweigh the negatives.

MOTION

Mayor Sikes-Kline MOVED to APPROVE the proposed site for the City's Fire Station No. 2 site location and the request to the State to use a parcel part of Anastasia State Park. The motion was SECONDED by Commissioner Horvath and approved by UNANIMOUS VOICE VOTE.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

12.A. Notification of a vacancy on the Civil Service Board due to a resignation. (D. Galambos, City Clerk)

Ms. Galambos advised that Les Stern resigned from the Civil Service Board, and it would be advertised as required and brought back before the Commission.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Commissioner Springfield said there was no signage for the STAR indicating it was free; however, was told that would be addressed.

Commissioner Garris suggested that parking staff should inform guests upon entry into the parking garage until signage was provided.

Commissioner Horvath said she had used the STAR and enjoyed it.

Mayor Sikes-Kline noted the City Manager, the Chief Resiliency Officer, and herself visited Mandeville, Louisiana. She said that community had been flooded seventeen times in seventeen years and three of those were nine-foot surges but every building except for four in the historic district had been elevated. She said it was a great visit and interesting to see how this was accomplished.

Mr. Birchim commented they were able to meet with their different City departments and Mayor, which provided a wealth of knowledge.

15. Adjournment

There being no further business, the meeting was adjourned at 8:17 P.M.

Nancy Sikes-Kline, MAYOR

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE