

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, May 11, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, May 11, 2020 at 5:04 P.M. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

Staff: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Todd Grant, Director, Public Works
Reuben Franklin, Director, Public Works
Jim Piggot, Director, General Services
Mark Simpson, Director, Financial Services
Barry Fox, Police Chief
Melissa Wissel, Communications Manager
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Cynthia Garris delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Horvath MOVED to approve the Agenda. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

- Proclamation 2020-06: Proclaiming May 2020 as National Drug Court Month.

Commissioner Sikes-Kline read the Proclamation.

- Proclamation 2020-07: Proclaims May 17-23 as National Public Works Week.

Mayor Upchurch read the Proclamation and congratulated all employees and contractors who worked in that field.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Alex Harden
- B.J. Kalaidi
- Barbara Blonder via email

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA - MAY 11, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JUNE 8, 2020:

- Ordinance 2020-18
- Ordinance 2020-19
- Ordinance 2020-20

CA.3. Reminder of Upcoming Meetings:

- May 25, 2020 - Meeting Cancelled - Memorial Day Weekend
- June 8, 2020 - Regular Commission Meeting
- June 22, 2020 - Regular Commission Meeting

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

- March 9, 2020 - Regular Commission Meeting
- March 12, 2020 - Special Commission Meeting

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. Yearly progress report of the 2019 Floodplain Management Plan as part of the City's CRS recertifications. (*R. Franklin, Director Public Works*)

CA.9. Payment of April outside counsel attorney's fees in the matters of Marlowe (\$3,480.00) and Seavin, (\$1,344.00). (*I. Lopez, City Attorney*)

End of Consent Agenda

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

Commissioner Sikes-Kline requested to pull Item CA.9. from the Consent Agenda for discussion.

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda as modified. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

Isabelle Lopez, City Attorney, discussed Item CA.9. from the Consent Agenda at the request of Commissioner Sikes-Kline. Ms. Lopez noted there were two components to the Item:

- Requested a motion for approval of outside counsel fees in both litigation cases

- Requested decision delegation to the City Manager for whether the City would proceed forward with a motion for City attorney's fees or agree to another option
 - On April 21, 2020 a court's judgment in the Seavin matter was favorable to the City, allowing the option for the City to seek attorney's fees
 - The City had a thirty (30) day window to file a motion for attorney's fees, and the same was available to the plaintiffs
 - It was not uncommon in these types of cases for the losing party to offer an agreement not to seek further litigation, in exchange for the other party to not seek attorney's fees

Ms. Lopez stated that May 21, 2020 was the deadline for filing a motion, and since the Commission had no scheduled meetings prior to that date, the decision should be delegated to the City Manager.

MOTION

Commissioner Sikes-Kline MOVED to provide the City Manager with the ability to explore, along with the City Attorney, a final settlement of the Seavin case, or pursuit of the City Attorney's fees, and to pay outstanding fees owed to outside counsel. The motion was SECONDED by Mayor Upchurch 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

7.B.1. COVID-19 update and status of implementation of Phase 1: safe, smart step-by-step plan for Florida's recovery.

John Regan, City Manager, discussed the new program that monitored for COVID-19 at the wastewater plant, and stated the program was brought together by the initiative of multiple staff members and suggestions from the public.

Stephen Slaughter, Engineering Manager, provided a brief presentation on the topic:¹

- Baseline obtained from the wastewater samples for the viral load in collection system
- Samples would be taken one or two times weekly, depending on expert recommendation
- Daily samples shipped to laboratory
- Special florescent dye and light testing enabled monitoring of virus particle expansion, which provided early indication of the virus increase or decrease and prior to people getting tested
- Testing could detect the virus from individuals considered asymptomatic
- Each sample cost approximately \$125, plus shipping and internal expenses for the collection process
- The first sample results which totaled about a weeks' worth, were expected the week of May 11, 2020

Mr. Regan provided an update on the Kinsa smart thermometer program:

- Approved 189 thermometers
- Criteria attempted to target specific households, with many on the reserve list
- Worked with schoolboard on the targeted households
- Eventually would loosen criteria and distribute all 900 thermometers
- Program was going very well

¹ Presentation attached to original minutes

Mr. Regan provided an update for the St. Johns Department of Health (DOH):

- Expanded program started to test all people free of charge for COVID-19, asymptomatic included
- Testing was a drive through service and no more than four people in a car allowed
- Photo ID, masks and a pen were required for each person
- No pets were allowed in the car
- DOH address: 200 San Sebastian View, St. Augustine
- Hours: Monday – Friday 9:00 a.m. to 4:00 p.m., and Sunday 9:00 a.m. to 12:00 p.m.
- Specific information requests could call the DOH at 904-209-3250

Mr. Regan restated the Commission's request for a sustainable plan to keep the City clean with steam and pressure washing. He advised that Todd Grant, Director, Utilities, developed a program:

- Contract services would provide a high-quality cleaning through the urban core of the City that would also blend with City staff
- Contract value of each full cleaning was \$13,000, and the costs would be absorbed into existing budget
- A full cleaning sweep was planned before every major holiday, therefore prior to Memorial Day, Fourth of July, and Labor Day
- Complete sweep of downtown area was recently done by City staff; however, the best way to proceed was using contract services
- Commission acknowledgement, not a decision, was needed that it was necessary to maintain the City at a high level of cleanliness

Mr. Regan stated the City was monitoring Governor DeSantis' phasing plan and Center for Disease Control (CDC) health data, and the Visitor Information Center (VIC) remained closed during this time;

however, the Galimore Pool was scheduled to open Friday, May 22, 2020 under CDC guidelines.

Mr. Regan discussed the mask orders:

- A major shipment arrived on Friday, May 9, 2020 at 2:00 P.M. and by 5:00 P.M. the City had distributed approximately 38,000 masks
- On Monday, May 11, 2020, 30,775 masks had been sold and distributed since 9:30 A.M., or had payments still being processed
- To minimize financial risks, the first order was divided into two suppliers, with approximately 125,000 to 130,000 masks ordered
- Demand was monitored for a possible second order

Mr. Regan and the Commission discussed the Fourth of July fireworks celebration:

- A date for a future decision was requested, to allow more time to make a determination
- Daytona Beach, Flagler Beach and Jacksonville Beach had cancelled fireworks
- Concerned at a staff level that if the City was the only coastal city having fireworks, the demand would be greater than a normal Fourth of July
- Staff recommended postponing the fireworks celebration to a later date
- Many large functions across the U.S. had been cancelled in advance
- Tourism Development Council (TDC) expressed agreement to cancel under the circumstances
- Residents had supported the cancellation

There was Commission consensus to cancel the Fourth of July fireworks celebration due to concerns for the health and safety of the community.

Mayor Upchurch expressed his continued appreciation for Mr. Regan's leadership, dedication, and ability to creatively think 'outside the box', along with City staff, and he stated that our community greatly benefitted from this.

Mr. Regan concurred that the City had a very talented, hard-working and highly motivated staff who sought to maintain a safe community and that it was a privilege to be City Manager.

Commissioner Horvath inquired about the City providing a kiosk for affordable mask purchases until the VIC was opened, since most people were not wearing masks on St. George Street.

Mr. Regan noted that Jim Piggot, Director, General Services, had assimilated a plan for mask distribution, in the event the VIC did not open.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2020-21: Amends Section 28-127 of the Code of the City of St. Augustine to modify the number of members and to revise the minimum qualification criteria for members of the Corridor Review Committee.

Isabelle Lopez, City Attorney, reviewed the Ordinance.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-21 on second

reading. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 5, SECTION 28-127 OF THE CODE OF THE CITY OF ST. AUGUSTINE REVISING THE MINIMUM QUALIFICATIONS FOR MEMBERS OF THE CORRIDOR REVIEW COMMITTEE BY PROVIDING FOR ONE ARCHITECT OR LANDSCAPE ARCHITECT SEAT AND PROVIDING THAT THE OTHER TWO SEATS BE DESIGNATED FOR PROPERTY OWNERS OR TENANTS OF PROPERTIES LOCATED WITHIN THE RESPECTIVE ENTRY CORRIDORS OR MAY BE ASSIGNED TO ANOTHER ARCHITECT OR LANDSCAPE ARCHITECT; 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: Sikes-Kline, Horvath, Upchurch, Valdes, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

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 2020-18: Amends the Future Land Use Map designation of 415 South Ponce de Leon Boulevard from Residential Medium Density/Mixed Use to Commercial Medium Intensity.

David Birchim, Director, Planning and Building, reviewed the Ordinance.

MOTION

Commissioner Horvath MOVED to place Ordinance 2020-18 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Darlene Galambos, City Clerk, read the title as follows:

ORDINANCE NO. 2020-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 1.64 ACRES OF PROPERTY LOCATED AT 415 S. PONCE DE LEON BOULEVARD IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF RESIDENTIAL MEDIUM DENSITY/MIXED USE TO A DESIGNATION OF COMMERCIAL MEDIUM INTENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2020-19: Amends the zoning of 415 South Ponce de Leon Boulevard from Planned Unit Development to Commercial Medium Two.

Mr. Birchim reviewed the Ordinance.

MOTION

Mayor Upchurch MOVED to place Ordinance 2020-19 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.

Ms. Galambos read the title as follows:

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 1.64 ACRES OF PROPERTY LOCATED AT 415 SOUTH PONCE DE LEON BOULEVARD IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT ZONING CLASSIFICATION OF CITY OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT (PUD) TO THE CITY OF ST. AUGUSTINE ZONING CLASSIFICATION OF COMMERCIAL MEDIUM TWO (CM-2); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2020-20: Amends the zoning of Flagler Crossing Planned Unit Development, which is an undeveloped approximately 135 acre site, to Residential Low One in order to develop the property as multi-family residential.

Mr. Birchim reviewed the Ordinance.

The Commission discussed:

- Existing ponds were retention ponds, the largest was on the north end and served as retention for Sebastian View and the County roadway
- The property was marketed for multi-family use; however, the prospective property owners had not committed to apartments or condominiums, but the structures could be converted either way
- Buildings assumed the same location as single-family homes which was the only developable land on the property
- The PUD had no provisions to give park land away
- The bulk of conservation lands were placed in recorded easements and kept under the water management district
- Applicant was encouraged to provide further insight at the public hearing for this Ordinance

MOTION

Commissioner Horvath MOVED to place Ordinance 2020-20 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.

Ms. Galambos read the title as follows:

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 135.2 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF THE SAN SEBASTIAN RIVER SOUTH OF SAN SEBASTIAN VIEW AND WEST OF LASA DRIVE IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED

HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF CITY OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT (PUD) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL LOW ONE (RL-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2020-17: Adopts the revised Local Mitigation Strategy (LMS) for St. Johns County which must be updated every five years to remain compliant with FEMA guidelines.

Reuben Franklin, Director, Public Works, reviewed the Resolution.

MOTION

Commissioner Freeman MOVED to pass Resolution 2020-17. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Request to confirm the Mayor, or Vice Mayor in their absence, to be

designated as chairperson of the audit committee, year to year.²

Ms. Lopez reviewed the topic.

MOTION

Commissioner Horvath **MOVED** to confirm the Mayor, or Vice Mayor in their absence, to be the designated chairperson of the audit committee. The motion was **SECONDED** by Commissioner Freeman and **APPROVED BY UNANIMOUS VOICE VOTE.**

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Commissioner Sikes-Kline stated the following:

- Requested to move meetings back to 10 A.M. in consideration of City Staff
- Neither positive nor negative public feedback was heard on the time
- Public awareness for meeting participation options was very important
- Unless there was a controversial topic, public participation was low no matter the time of day
- The public was currently focused on COVID-19

Commissioner Freeman noted the following:

- Supported the proposed meeting time as most people currently worked at home and seemed more available during the day

- Social distancing guidelines provided complications, based on the logistics of the Alcazar room; therefore, the meetings should remain virtual

Commissioner Horvath supported the 10:00 A.M. meeting time and expressed concern for the Commission's close seating arrangements during meetings.

Mayor Upchurch stated the following:

- Unfavorable to changing meeting time
- The virtual nature of meetings was not a valid reason to change time
- Public was accustomed to and expected a 5:00 P.M. meeting, and would make themselves available when necessary
- The option to provide emailed comments essentially made the meetings more available
- Anticipated that the June meetings would return to traditional format
- Important business was delayed due to necessity for public to fully engage on the more important issues, not the routine ones

Commissioner Valdes stated he was not biased to the time; however, the costs were the caveat for a 10:00 A.M. or a 5:00 P.M. virtual meeting.

Mr. Regan mentioned that a 5:00 P.M. virtual meeting required overtime for an additional three City staff members: an IT Manager, staff member at the podium and someone to manage the phone line. He stated he was unaware of precise cost, but estimated the rate at approximately \$30 per person, per hour; therefore, an hour of overtime cost the City about \$90. He noted that flex time could minimize these costs.

There was Commission consensus to move the Commission meeting time to 10:00 A.M., with Mayor Upchurch dissenting.

² Attached to Commission packet

Mr. Regan inquired about whether the time was specific to the virtual meetings, and what direction to take once regular Commission meetings were held.

Mayor Upchurch noted the following interpretations from the Commission:

- For the near term and during virtual meetings, the time would be moved to 10:00 A.M.
- Continuance of public participation messaging should proceed
- Since returning to in person meetings was a concern, there was a required directive that at that time, City staff re-think the logistics of seating and filming
- With seven members, this was complicated for the Planning and Zoning Board (PZB), as they followed the Commission's lead on these topics

Commissioner Sikes-Kline requested that Ms. Lopez clarify the status of short-term rentals as per the Governor's Executive Order.

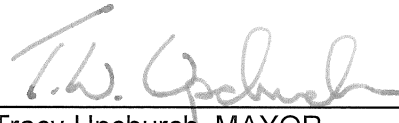
Ms. Lopez replied that reservations could not be taken for future dates, nor was anyone allowed to check-in, which was currently extended until July 7, 2020. She noted that those in a short-term rental at the time the Governor's order was issued could complete their stay. She concluded that rentals that were more than a month at a time were not considered short-term.

Mayor Upchurch stated the Governor's Order applied to condominiums at the beach and short-term rentals, regardless of the zoning classification, and the Order was much broader than rules the Commission put into place.

15. Adjournment

There being no further business, the meeting was adjourned at 6:26 P.M.³

³ Transcribed by Laura Morse



Tracy Upchurch, MAYOR



Darlene Galambos, CITY CLERK

