

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, November 9, 2020

The City Commission met in formal session Monday, November 9, 2020 at 5:03 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Vice-Mayor Leanna Freeman, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner (arrived at 5:17 p.m.)
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner

Absent: John Valdes, City Commissioner

John Regan, City Manager
Denise May, Assistant City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Todd Grant, Director, Utilities
Melissa Wissel, Communications Director
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary
Candice Seymour, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Dan Ott, Anastasia Baptist Church, delivered the invocation, and Vice-Mayor 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 Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE.**

3. Special Presentations, Recognitions and Proclamations

3.A. Proclamation 2020-13: Proclaiming November as National Hospice Palliative Care Month. Receiving: Haven Hospice representative.

Commissioner Sikes-Kline delivered the Proclamation which was accepted by Vince Fattizzi, Hospice representative.

4. General Public Comments (3 minutes per individual)

John Regan, City Manager, reviewed the rules and procedures for wearing masks and social distancing with the audience.

The Commission heard from the following members of the public:

- Jack Binagal
- BJ Kalaidi

Mayor Upchurch arrived; therefore, Vice-Mayor Freeman relinquished control of the meeting.

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA-NOVEMBER 9, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON DECEMBER 14, 2020:

- Ordinance 2020-31
- Ordinance 2020-32
- Ordinance 2020-33

CA.3. Reminder of Upcoming Meetings:

- December 7, 2020, 7:30pm, Special City Commission Meeting
- December 14, 2020, 5pm, Regular City Commission Meeting
- January 11, 2021, 5pm, Regular City Commission Meeting

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

- September 28, 2020, Regular City Commission Meeting
- October 12, 2020, Regular City 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. Approval of nomination of Brian Bowman as the deAviles Award recipient. *(N. Sikes-Kline, Commissioner)*

CA.9. Approval of the 2021 City Commission meeting and holiday schedule. *(D. Galambos, City Clerk)*

CA.10. Order releasing the Code Enforcement lien levied against 171 Inlet Drive as paid in full. *(D. May, Assistant City Attorney)*

CA.11. Payment of invoice dated October 30, 2020 from Cavendish Partners, P.A. for legal services in the matter of Marlowe v. City in the amount of \$14,761.00. *(I. Lopez, City Attorney)*

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

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

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Freeman,

Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. Appeals

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

7.A.1. Presentation by Joy Andrews, Assistant County Administrator, St. Johns County, regarding St. Johns County's proposal to construct affordable housing on 80 acres presently owned by the City.

Ms. Andrews advised that Joe Giammanco, Director of Emergency Management, and Bob Quinney, Grants and Resource Development Manager were present for Commission questions. She requested Commission guidance and feedback on the City and County working together to develop the property¹ for workforce housing and noted the following:

- County received \$15 million in Housing and Urban Development (HUD) disaster recovery funds for community block grant resulting from Hurricane Matthew
- Matter was time sensitive, funding highly conditioned upon state and federal approval and HUD funding required passing through the State's Department of Economic Opportunity (DEO) with requirements to organize environmental studies, mineral rights and land layout
- County deemed property ideal location and citizen benefit due to retail, grocery stores, education institutions, and job accessibility

- Project would have a 'clubhouse style' center, that would also serve as an emergency shelter
- County would pursue future opportunities with City, should funding not become available
- Requested a land conveyance to County with a clause restricting land use for workforce housing, with land returned to the City if not used for that purpose
- City used less than 10 acres for laydown area, and County was searching potential locations to trade the City for the same use

The Commission discussed:

- Fund eligible for 'low to moderate' rental income with HUD restrictions and federal regulations for use of 51% of housing for income group
- Use of terms 'workforce' and 'affordable' housing depended on the agency using term, but the income level was consistent factor
- Transitional and homeless housing was not part of the funding eligibility
- HUD funding guidelines allowed construction of a minimum of 80 units up to 96 mixed income rentals
- County procured Turnstone Development, a reputable non-profit development firm that handled similar projects and would hold responsibility and operation of low to moderate income housing under a 40-year deed restriction
- Neither the City nor County would own property during the 40-years; however, the County would be required to ensure compliancy with HUD and Department of Economic Opportunity requirements
- County would be recipient of grant funds, but had no financial contribution
- Property subject to County zoning, required land use change with regulatory public feedback
- Major modification of land use required two hearings and a state

¹ Map document attached to original minutes

transmittal, and a PUD required two public hearings

- City and County fiduciary responsibilities would not be burdened through the process
- Once land conveyance from City necessitated, HUD funding passed through State to the County who had control of project eligibility
- Total of 50 acres used as laydown location for the County Public Works department
- Should consider using less of the property, since County could build 80 to 96 units in four acres
- Should look at site to see buildability, cannot determine actual plans, and much of the property was wetlands or ponds
- Could not legally waive impact fees; however, ways existed to subsidize fees with other funds
- Funds were to be returned if project not completed by beginning of 2023 when the grant expired
- Entire project cost \$27 million, developer had \$12 million, and \$15 million was allocation from the *Community Development Block Grant Disaster Recovery* fund
- County not in control of timeline that was defined by duration of grant, and Ms. Andrews believed if the project was unsuccessful for failure to meet deadline, it would be negligent for the community
- County was amiable to look at other sites if property did not meet timeline, as a decision was needed by the December 14, 2020 meeting

Commissioner Horvath noted more research was required and expressed concern about property being turned over to developer after 40 years without a requirement to maintain affordable housing. She asked the Commissioners to contemplate using a portion of the parcel, based on buildability and beauty of property, and suggested that a park would benefit both County and City residents.

Commissioner Sikes-Kline stated the property was an environmental treasure which contained rare coquina material that made it valuable. She noted her trust in Mr. Regan to provide the correct materials to enable the Commission to make this magnitude of a decision.

Mr. Regan stated he would review the deadline dates and requested more detailed information for the Commission to receive a better project image, which may not require use of entire parcel. He expressed concern about what the City gained with this large asset transfer. He stated his interest in funds available for transitional housing and homeless shelters.

Mayor Upchurch expressed concern about the proposal's structure but was amiable to the project and other opportunities with the County. He stated if affordable housing was not constructed, then roads would be to allow people to live farther; therefore, one way or another this was paid for. He noted the community confusion on which local government was responsible, and all City constituents were County constituents, but not the contrary, and for the community good, these projects required collaborative analysis of future needs.

Mayor Upchurch concluded that due to the project time sensitivity, he would reconsider the proposal at December's Commission meeting to allow staff time to gather more specifics, and so the Commissioners could individually work with Ms. Andrews with questions or concerns.

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 2020-32: Amends the Hilton Bayfront Inn Planned Unit Development to allow for an additional 1% lot coverage.

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

Mayor Upchurch clarified the reason the Ordinance was before the Commission was due to the building's minor elevation change on Charlotte Street.

MOTION

Commissioner Horvath **MOVED** to approve Ordinance 2020-32 changes to the Bayfront Inn Planned Unit Development as described; 1% increase in coverage and the small addition to the elevation on Charlotte Street, placed on second reading, read by title only and passed. The motion was **SECONDED** by Mayor Upchurch.

Denise May, Assistant City Attorney, read the title as follows:

ORDINANCE 2020-32

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE HILTON BAYFRONT INN PLANNED UNIT

DEVELOPMENT (PUD) ESTABLISHED PURSUANT TO ORDINANCE NO. 2009-02 IN ORDER TO PROVIDE FOR ADDITIONAL LOT COVERAGE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Upchurch, Sikes-Kline, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2020-33: Amends the Firefighter's Pension Trust Fund to comply with changes to the mandatory distribution age and the allocation of the Share Plan.

Ms. May reviewed the Ordinance.

Mayor Upchurch clarified the action taken was bringing the City Ordinance into compliance with state and federal law.

MOTION

Mayor Upchurch **MOVED** to place Ordinance 2020-33 on second reading, read by title only and passed. The motion was **SECONDED** by Commissioner Horvath.

Ms. May read the title as follows:

ORDINANCE NO. 2020-33

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART II, CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-195, CONTRIBUTIONS; AMENDING SECTION 20-196, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 20-

200, OPTIONAL FORMS OF BENEFITS;
AMENDING SECTION 20-206, MINIMUM
DISTRIBUTION OF BENEFITS;
AMENDING SECTION 20-219,
SUPPLEMENTAL BENEFIT
COMPONENT FOR SPECIAL BENEFITS;
CHAPTER 175 SHARE ACCOUNTS;
PROVIDING FOR SEVERABILITY OF
PROVISIONS; PROVIDING FOR
CODIFICATION; REPEALING ALL
ORDINANCES IN CONFLICT HERewith;
AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Horvath, Sikes-Kline,
Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. Presentation summarizing the work accomplished on the grant project, Resilient Heritage in the Nation's Oldest City, which focused solely on flood impacts to St. Augustine's heritage resources.

Jenny Wolfe, Historic Preservation Officer and Project Manager, introduced the project's focus as identifying flooding threats to cultural resources, and by what method the City as a policy maker and property owner could set policy guiding examples, inform historic property owners and leverage additional investments. She reviewed the following:

- Total project value was \$100,000 from State Historic Preservation Office funds and matching City funds
- The City managed five other grant projects totaling over \$1 Million dollars, with \$290,000 of City matching funds

- These types of grant projects were great way to leverage much larger projects
- 2016 Department of Economic Opportunity report provided a geospatial analysis and narrative of vulnerabilities confronting City infrastructure and assets, and was first step to understanding data for City sea level rise projections
- Geospatial data allowed closer look at extent of flooding impacts to all the City's cultural resources
- One and one-half foot sea level rise projected as early as 2040 and as late as 2100
- St. Augustine achieved the National Historic Landmark status because of Spanish Colonial structures and archeological sites
- Resources already impacted from flooding and rising water tables
- Flooding threat created community momentum and interest in action plan to steward the City's cultural resources
- Heritage conversation was basis of the City's economic engine, with tourism and property ownership
- Prior to this project, a demonstrated economic analysis had not been completed by industry professionals
- The multi-disciplinary consulting team consisted of field experts and exceeded expectations
- Flood mitigation approaches for selected City properties suggested the following measures:
 - Temporary flood wrapping
 - Removable flood gates
 - Landscape berm
 - Additional tree 'straws'
 - Underground cisterns
 - Wet flood proofing
 - Change of topography
- City 2040 Comprehensive Plan included multiple elements addressing resiliency, and the pending Building Advisory Task Force was great timing with Resilient Heritage publication

Commissioner Sikes-Kline expressed her respect and appreciation for Ms. Wolfe for the commitment and dedication in this endeavor and noted she was one of the most outstanding in-house experts on resiliency for historic resources.

Ms. Wolfe advised Mayor Upchurch that the general public could use the study through and interactive story map posted on the City website: <http://citystaug.com/resilientheritagestory.map>, which would assist residents and property owners with visually understanding what the City could lose. She noted the story map would be made more interactive in the future and would collect public experiences.

Mr. Regan broached the subject of future projects with more regional solutions to sea-level rise, the need for the City to discover ways to leverage money through a grant process, benefit cost studies, and the FEMA hazard mitigation process. He noted the Resilient Heritage was a missing ingredient from the beginning and that the team had set a path on the economic return for the investment. He commended Ms. Wolfe and City staff.

10.B. Presentation of the newly developed community alerting system to send emergency notifications to residents and businesses.

Melissa Wissel, Communications Director, and Carlos Aviles, Fire Chief, delivered a presentation on the subject and noted the following:

- Topic surfaced from recent South Davis Shores meeting, where citizens inquired about an early warning system for rising waters
- Worked with partners at Emergency Operation Center using same method utilized by County
- Specifically designed and intended for City residents, but anyone could register

- Once registered with City system, could easily enroll with 'Alert St. Johns' to receive email notifications, phone calls with recorded message, or text alerts
- Messaging alerts would go through Facebook
- In event of a significant issue, the City website had an emergency banner alert tool
- Should a community alert warrant emergency level use of STAUGALERTS, it would also put an emergency alert on Facebook and City website
- Informational door hangers would be delivered to the most vulnerable citizens in low lying areas and notification sent through social media starting November 10

Chief Aviles advised Mayor Upchurch that use of the alert system required an event of imminent danger to life or property, such as a tornado, rising floodwaters with imminent property threat, gas leak or an active shooter. He noted the system would not be used for events such as a water main break, or a stuck bridge. He stated that currently Ms. Wissel, himself and an SAPD representative held the authority to determine and submit an alert.

In response to Mayor Upchurch's concern about 'amber alert' style statewide notices for distant counties, Chief Aviles advised of the system's capability to geofence and alert a specific area, but preferred the community register with the system to work effectively.

10.C. Review and approval of the First Amendment to Franchise Agreement for Ripley Entertainment, Inc.

Meredith Breidenstein, Assistant City Manager, reviewed the subject, noted the franchisee renewal requirements based on City code, and addressed Ripley's compliance with terms. She introduced Kim Kiff, Regional Manager, Ripley

Entertainment, who was available to answer questions.

There was Commission discussion of noise level complaints on Bridge Street, consideration of the 10-year contract commitment based on an unknown future, and concern regarding the eventual replacement of Ms. Kiff, who was a great representative and responsive to community concerns.

Ms. Kiff advised that the center speakers on the Red Train Tours had been removed because the noise radiated from the sides, and since removal, she was unaware of any complaints since 2017.

Commissioner Horvath requested a six-month extension of the existing contract to prepare a comparison of Red Train Tours' and Old Town Trolley Tours' sound systems.

MOTION

Commissioner Horvath MOVED to extend Ripley Entertainment's time for six months, and in that time a comparison of the sound system would be done and then go from there. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

10.D. Discussion pertaining to naming the public park in the conservation area of Lighthouse Park as Maria Andreu Conservation Park.

Ms. Wissel reviewed the topic and noted Maria Andreu Conservation Park was selected as the official name based on the majority of online survey responses.

MOTION

Commissioner Sikes-Kline MOVED to rename the park Maria Andreu Conservation Park. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY ATTORNEY

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

11.A. Approval of Preservation Easement Agreement for the property located at 7 Bridge Street (Sanchez House).

Ms. May reviewed a summary of the Agreement.

Commissioner Sikes-Kline noted the distinctive opportunity to provide a preservation agreement for one of the most unique and oldest buildings. She noted her appreciation for the property owner working with City and archeological resources and commended their idea of conservation to preserve use of the interior space, which was breaking new ground.

MOTION

Mayor Upchurch MOVED to approve the Preservation Easement Agreement. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Freeman, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

12. ITEMS BY CITY CLERK

12.A. Notification of applications received for appointments to the Building Advisory Task Force.

Darlene Galambos, City Clerk, stated eight applications were received, as follows:

- Rick Gonzales
- Sarah Ryan
- Rob Matthews
- Robin Moore
- Jon Benoit
- Irene Arriola
- Les Thomas
- John Woolridge

Commissioner Sikes-Kline suggested the committee name include 'new construction' for clarity and lobbied to add Ms. Wolfe as the committee staff contact.

Mr. Regan advised the Building Advisory Task Force scope of goals was associated to new construction. He stated Commissioner Valdes had been selected as Chair, but the number of members had not been set; therefore, based on his knowledge, he suggested seven members. He noted all staff and resources, especially Ms. Wolfe, would be available.

Mayor Upchurch expressed his gratitude for the excellent applicant list and their willingness to volunteer. He stated this was an advisory committee to the City Commission and their recommendation was non-binding upon them.

There was Commission consensus to approve the eight applicants.

MOTION

Commissioner Sikes-Kline MOVED to approve the eight individuals who applied for appointment to the 'New Building Advisory Task Force'. The motion was SECONDED by Commissioner Horvath and APPROVED by UNANIMOUS VOICE VOTE.

Mayor Upchurch acknowledged Ms. Galambos for her efforts and the efforts of City staff at making the Alcazar Room function properly for the meeting.

13. ITEMS BY CITY MANAGER

13.A. Summary of highlights for Fiscal Year 2019/2020 and distribution of City Manager Performance Evaluation form.

Mr. Regan reviewed the topic and stated the Fiscal Year highlights were broken into three fundamental sections:

- Overview of the year
- Examples of work accomplished traced directly to the Strategic Plan
- Key performance indicators

Mr. Regan noted his most appreciative takeaway from the fiscal year was reflected in how the Commission modified the Strategic Plan to include a stronger initiative on diversity and inclusiveness. He stated he was proud to work for the five Commissioners and the public they served.

Mr. Regan thanked Vice-Mayor Freeman for her 12 years of service, noted the appreciation for her honesty, integrity and transparency and commended her on three projects where success directly resulted from her service:

- Skate park wall
- Fish Island
- Monument relocation

Mr. Regan acknowledged the work of Chief Fox, commended his impending position as a City Code Enforcement Manager and noted the process of selecting a new SAPD Chief would be forthcoming.

Mayor Upchurch suggested each Commissioner meet with Mr. Regan to discuss his annual evaluation, then provide those evaluations to Isabelle Lopez, City Attorney, to draft a corporate and collective Commission evaluation. He noted these evaluations would be public record.

14. Items by Mayor and Commissioners

14.A. Discussion and approval of Bartram Trail Affiliation Agreement; appointment of a Commissioner to represent the City at the Bartram Trail Conference and authorization of the Bartram Trail Conference organization to use the City Seal.

Commissioner Sikes-Kline reviewed the subject and advised that with the Commission's acceptance, Bartram Trail Conference would provide a presentation at a future Commission meeting, and the Commission could provide approval for the Agreement at that time.

Commissioner Sikes-Kline requested the City Attorney's office write a resolution to Governor DeSantis regarding virtual meetings with an interpretation on conducting hybrid meetings.

Commissioner Freeman noted her appreciation for City staff, her fellow Commissioners and the experience gained while serving the City community.

Commissioner Horvath requested the following:

- Discuss canopy work at a future meeting, utilizing items discussed by Ms. Wolfe
- Discuss planting a tree in memory of loved ones lost to COVID-19
- Requested letter to Governor DeSantis regarding virtual or hybrid meeting options, stating that courts were not requiring in-person, as she was not comfortable in the Alcazar Room with increases in COVID numbers

Mayor Upchurch noted his reluctance to return to virtual meetings as they were a dis-service to the community, and staff had gone to great lengths to follow all procedural guidelines. He stated that other elected boards in the County were meeting in person, but he was amiable to a

resolution to appease fellow Commissioners. He requested that Ms. May prepare a resolution for Commission consideration stating the City's proposition that the Governor re-institute local board ability to conduct virtual or hybrid meetings.

Ms. May advised the following:

- Florida courts allowed virtual meetings since they were under the Florida Supreme Court where Chief Justices set rules for each district
- Courts not considered local boards that act on propositions or conduct public business and the only people with rights in those cases were civil litigants or criminal defendants
- Certain State agencies always had ability to conduct virtual meetings under the law as agencies pursuant to Chapter 120, which allowed them to set up certain rules and procedures, allowed by the State and Attorney General Office, because those agencies covered most of the State
- Attorney General had always interpreted that local governments, school boards, special districts, local governing bodies, including counties and cities, required an in-person physical quorum
- Governor DeSantis' first executive order was based on interpretation of the Attorney General, which stated that due to the public health emergency, short of a change or suspension of the law, local boards lacked ability to not have an in-person quorum

There was Commission consensus directing Ms. May and Isabelle Lopez, City Attorney, to prepare a resolution requesting that Governor DeSantis reconsider the decision on in-person meetings and re-instate the City's ability to conduct virtual meetings.

Mayor Upchurch thanked Commissioner Freeman for her service to the community

and expressed appreciation for the significant difference made during her tenure.

Commissioner Horvath echoed Mayor's Upchurch's comments and noted many great memories were made in serving with Commissioner Freeman.

Commissioner Sikes-Kline noted the honor to work with Commissioner Freeman for twelve years, that she knew no one with a bigger heart or loyalty, and she was a better person having worked alongside her.

15. Adjournment

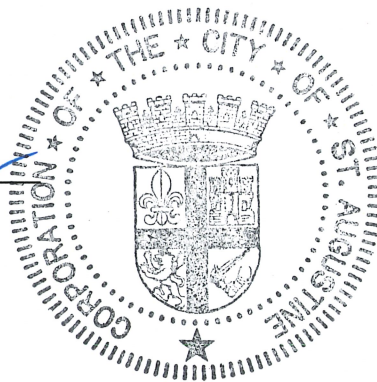
There being no further business, the meeting was adjourned at 7:26 P.M.²



Tracy Upchurch, MAYOR



Darlene Galambos, CITY CLERK



² Transcribed by Laura Morse