CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, December 14, 2020

The City Commission met in formal session Monday, December 14, 2020 at 5:00 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
Denise May, Assistant City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Todd Grant, Director, Utilities
Melissa Wissel, Communications Director
Stephen Lauber, Information Technology Manager
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Jeff Gatlin, Freedom Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, requested the addition of the following items to the Agenda:

- Certificate of Recognition regarding recent house fire on Cerro Street
- Item 13B 'Report on alternatives regarding meeting space in context to COVID'

MOTION

Commissioner Sikes-Kline MOVED to accept the Agenda as revised by the City Manager. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

Carlos Aviles, Fire Chief, thanked first responders for their performance during the Cerro Street house fire. He acknowledged the actions of Ms. Terri Gamble, a neighbor who assisted the family who lost their home.

Mayor Upchurch presented Ms. Gamble with a Certificate of Recognition on behalf of the City and Commission, and stated her actions embodied the greatness of the City of St. Augustine.

Chief Aviles presented Captain Michael Fittipaldi with a Certificate of Recognition for his leadership, professionalism, and composure during the fire.

Mayor Upchurch noted the appreciation and pride from the City for Chief Aviles, Captain Fittipaldi and the firefighters.

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:

- Charles Pappas
- Chris Fulmer
- Shawn Morrison
- Doug Russo
- Jaime Parham
- BJ Kalaidi
- Ellaina Parham

Public comment was closed.

5. CONSENT AGENDA

Mr. Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA – DECEMBER 14, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JANUARY 25, 2021:

(None)

CA.3. Reminder of Upcoming Meetings:

- January 11, 2021, 5pm, Regular City Commission Meeting
- January 25, 2021, 5pm, Regular City Commission Meeting
- February 8, 2021, 5pm, Regular City Commission Meeting

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

- October 26, 2020, Regular City Commission Meeting
- November 9, 2020, Regular City Commission Meeting

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

Vida Baas Sizemere - 1110 4th Street

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING):

Proclamation 2020-14: Proclaims January 1 through December 31, 2021 as Trinity Parish Church's Bicentennial Year. *(R. Horvath, Commissioner)*

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Approval of annual routine carryover request list. *(M. Simpson, Director Finance)*

CA.9. Financial report through month ending November 20, 2020. *(M. Simpson, Director Finance)*

CA.10. Recommendations from St. Johns County Transportation Advisory Group of the 2021 St. Johns County Road Capacity Project Priorities. *(R. Franklin, Director Public Works)*

CA.11. Correction to previously approved park name from Maria Andreu

Conservation Park to Maria Andreu Conservation Area at Lighthouse Park. *(M. Wissel, Director Communications)*

CA.12. Approval of invoice from Cavendish Partners, P.A. for services in the amount of $4,669.00 for legal services rendered in the Marlowe v. City of St. Augustine matter. *(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 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. Ordinance 2020-31: Provides for notifications required by Section 162.09(1), Florida Statutes, to be made to the City Manager and for the board to hear applications for reduction of fines and fees prior to and after recording liens.

Denise May, Assistant City Attorney, reviewed the Ordinance.

Public hearing was opened, however there was no response.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-31 on second reading. The motion was SECONDED by Commissioner Blonder.

Ms. May read the title as follows:

ORDINANCE NO. 2020-31

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 2, ARTICLE V, DIVISION 2, SECTIONS 2-212 AND 2-213 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE NOTIFICATION TO CITY MANAGER OR HIS OR HER DESIGNEE; TO PROVIDE FOR APPLICATION TO THE CODE ENFORCEMENT, ADJUSTMENTS, AND APPEALS BOARD FOR REDUCTION OF FINES AND FEES PRIOR TO LIEN RECORDATION OR FOR RECOMMENDATION TO THE CITY COMMISSION FOR REDUCTION OF FINES OR FEES ON RECORDED LIENS; 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, Blonder, Valdes, Horvath, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.A.2. 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.

Public hearing was opened, and the Commission heard from the following:

- James Whitehouse, Esq.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-32 on second reading. The motion was SECONDED by Commissioner Valdes.

Ms. May read the title as follows:

ORDINANCE NO. 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: Sikes-Kline, Valdes, Horvath, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.A.3. 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.

Public hearing was opened, however there was no response.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-33 on second reading. The motion was SECONDED by Commissioner Valdes.

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: Sikes-Kline, Valdes, Horvath,

10.C. Municipal utility rate comparison.

Mr. Grant reviewed the topic which emerged from public comment at a prior Commission meeting. He stated the rates were based on 3,000-gallon consumption, City water and sewer rates were comparable to other Florida municipalities and the City of St. Augustine consistently took measures to maintain similar costs.

Commissioner Blonder inquired about future rate impacts with rapid City and County development and measures taken to ensure the City's water supply capacity was not exceeded. She suggested steps to conserve water resources such as implementing a public education program and incentivizing use of water conservation measures like low flow plumbing fixtures and native plant landscaping.

Mr. Grant advised the City was in initial analysis phase regarding WWTP expansion to accommodate an additional one million gallons of reverse osmosis or to construct a new WWTP to accommodate two million gallons. He acknowledged the ability to promote flow plumbing fixtures and suggested reduced permit fees from Planning and Building as an incentive. He concluded that a drawdown analysis at the well field required updating to ensure surrounding wells not impacted, to compare to previous studies on drawdown differences to ensure water supply maximization.

10.D. Request for consensus to work with Lightner museum to amend current agreement.

Meredith Breidenstein, Assistant City Manager, reviewed the topic. She requested Commission consensus to work with the Board of Trustees of the Lightner Museum (Lightner) to transfer two parking spaces, which were a City asset, to the Trustees' parcel, then subsequently review the existing agreement to determine any implications for the City.

Mayor Upchurch reminded the Commission that pursuant to the initial 1947 trust indenture that created the City and Lightner relationship, the Mayor served as an ex-officio voting member on the Lightner Board.

The Commission discussed:

- Lightner engaged in re-design of back area near steps for event space
- Lightner received control of space through Historical Architectural Review Board (HARB) approval, which did not include the parking spaces
- Transfer from City was not a sale or rental, but a change to Lightner Museum controlled portion
- Use of back-lot parking area to accommodate outdoor venue space with larger events
- At 50% capacity, spaces generated approximately $3,500 per year, and should consider value of changing from public to private use
- HARB could not move forward with plans until agreement approved by Commission, then would be amended
- Hesitant to utilize space as rental based on noise concerns
- Outside events governed by noise ordinance which stated 10:00 P.M. was cutoff for outdoor music

Commissioner Valdes and Commissioner Horvath expressed concern regarding the two spaces since parking was at a premium and they questioned the importance of the spaces to the Lightner.

There was Commission consensus to allow City staff to continue conversation with the Lightner and return with a formal proposal, at which time the Commission would be re-familiarized with a brief historic review and to address concerns on the topic.

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

Item reviewed after 9.B.

12.A. Request for three appointments to the Code Enforcement Adjustment and Appeals Board.

Darlene Galambos, City Clerk, reviewed the topic and stated three applications were received from current and eligible board members. She noted the applicants:

- Charlu Reigle
- Larry Weeks
- Thomas Day

MOTION

Mayor Upchurch MOVED that Ms. Reigle, Mr. Weeks and Mr. Day be re-appointed to the Code Enforcement Adjustment and Appeals Board (CEAAB). The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

Ms. Galambos advised a vacancy remained on the CEAAB which had been re-advertised.

12.B. Request for two appointments to the Civil Service Board.

Ms. Galambos reviewed the topic and stated two applications were received from current and eligible board members. She noted the applicants:

- Stephen Moranda
- Loran Lueders

MOTION

Mayor Upchurch MOVED to appoint Mr. Stephen Moranda and Mr. Loran Lueders to the Civil Service Board. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

12.C. Request for one appointment to the St. Augustine Police Officers' Retirement Board of Trustees.

Ms. Galambos reviewed the topic and stated one application was received from a previous and eligible board member. She noted the applicant:

- Daniel Hilbert

MOTION

Mayor Upchurch MOVED to appoint Daniel Hilbert to the St. Augustine Police Officer's Retirement Board of Trustees. The motion was SECONDED by Commissioner Horvath and APPROVED by UNANIMOUS VOICE VOTE.

13. ITEMS BY CITY MANAGER

13.A. Update on 80-acre discussions with county representatives, appraiser and Florida Housing Coalition.

Mr. Regan reviewed the topic and advised that St. Johns County withdrew their interest in the property based on the inability to secure mineral rights prior to grant expiration; however, two positive outcomes surfaced from the process:

- Discussions that previously proved difficult were initiated with Mosaic Company regarding mineral rights
- Commissioner Horvath's networking introduced City to Florida Housing Coalition that would provide information and support for future workforce housing projects

Mayor Upchurch stated it was not unusual for real property to have mineral rights separate and stressed the City's continued efforts to acquire them since it would prove extremely beneficial.

Commissioner Blonder requested completion of a feasibility study on the parcel to determine potential recreational opportunities with greenspace and environmentally beneficial aquifer recharge versus workforce or affordable housing, or a combination of the two.

13.B. Discussion on options for future City Commission and other City Board meetings.

Mr. Regan reviewed the four meeting venue options with the Commission and reminded them their decision affected multiple City boards.[1] He added the following information:

Continue In-person in Alcazar Room:

- Suggested policy adoption to shorten meeting which included:
  - Less informative presentations
  - More Consent Agenda items
  - Review of essential items requiring Commission decisions

Outdoor option:

- Police Department not amiable to outdoor venue meetings due to security vulnerabilities
- Amphitheater was a prime location in City limits and recently spent $1.7 million in safety upgrades; however, cost recovery not set up for fees

Hybrid meeting option:

- Sunshine Law allowed due to extenuating circumstances
- Lowered room participant density while maintaining in person quorum requirements
- Required connecting audiovisual system and voice over internet protocol phone system at cost of approximately $5,500 with a four to six week lead time

Virtual (Zoom) option:

- Required Commission Declaration of Emergency Order under City Charter with requirement to meet every seven days to renew emergency action
- Currently used in three South Florida cities
- Included legal risk with several Attorney Generals claiming illegality, and if challenged, decisions made in meetings would be null and void

The Commission discussed:

- Extremely uncomfortable with public not wearing masks while inside Alcazar Room
- Enforce mask wearing while in Alcazar Room, unless speaking, and deny entry to those who refused to wear masks
- Outside podium suggested for speakers not wearing masks
- Shorten meetings to necessity items for less confined space time
- Trolley riders lack of social distancing or wearing masks while at maximum capacity, risking COVID spread
- Citizens and staff were due the safest environment possible and

[1] Attached to original Commission packet

safety measures taken in Alcazar Room sufficed

- Other municipalities had returned to in-person meetings
- True Florida COVID numbers unknown and until they decreased, should utilize hybrid option
- Place fan at entry side of Alcazar Room to move air so Commission could hear properly
- Utilize call-in option for non-present Commissioners similar to procedure at the County
- $5,500 equipment investment would assist in future potential unforeseen circumstances

Ms. May advised the City could mandate mask wearing while in the public building or at public meetings, with ability to remove while speaking, and could deny entry for those not wearing masks; however, the City was unable to fine those not in compliance.

Ms. May noted the hybrid option required a finding of extraordinary circumstances for the two Commissioners who would not be present.

Merin Dunn, Audio-visual Specialist, advised the current streaming service would not accommodate a podium outside the Alcazar Room, nor hosting meetings at other locations.

There was Commission consensus for staff to proceed with the technology to manage a hybrid meeting at an approximate cost of $5,500, and the Commission would remain in the Alcazar Room until such time as the technology was available and installed.

Mr. Regan advised the Commission that staff would acquire the technology to accommodate hybrid meetings and would seek expedited delivery of equipment. He suggested that City staff perform an analysis on the meeting details and to return to the Commission with suggestions.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder inquired about options for the next step regarding the issue of social distancing on the trolleys.

Mayor Upchurch noted his receipt of an email from the manager of the trolley facility, and suggested the matter be discussed individually with Mr. Regan.

Commissioner Horvath noted the comparison of the green and red trains was being reviewed and that the green trains had plexiglass as a safety feature. She wished everyone a happy holiday.

Mayor Upchurch noted his appreciation of City staff and service during the crazy year and wished everyone a wonderful holiday.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:01 P.M.[2]

T. L. Upchurch

Tracy Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[2] Transcribed by Laura Morse